

Residential Tenancies Board

Determination Order

Ref: DR0919-57246

In the matter of David O'Connor (in his capacity as Receiver over certain assets of Patrick Coffey, Landlord) [Applicant] and Michael Breen [Respondent Tenant] the Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:

1. The Notice of Termination served by the Applicant Receiver on 9 August 2019 on the Respondent Tenant, in respect of the tenancy of the dwelling at Apt 6, Sandlighter Apartments, Wolfe Tone Street, Clonakilty, Co. Cork, is valid.
2. The Respondent Tenant and all persons residing in the above dwelling shall vacate and give up possession of the above dwelling within 14 days of the date of issue of this Order.
3. The Respondent Tenant shall pay the total sum of €2,750.00 to the Applicant Receiver in 3 equal consecutive instalments at the rate of €800.00 per calendar month, on the 28th day of each month, followed by one further instalment of €350.00 in the immediately succeeding month, commencing the next month after the issue of this Order. This sum represents rent arrears of €2,750.00 in respect of the tenancy of the above dwelling.
4. The Respondent Tenant shall also pay any further rent outstanding from 21 October 2019, being the date of the Adjudication Hearing, at the rate of €550.00 per month, unless lawfully varied, or proportional part thereof at the rate of €18.08 per day and any other charges as set out in the terms of the tenancy agreement, until such time as he vacates and gives up possession of the above dwelling.
5. The enforcement of this Order for such payment of €2,750.00 will be deferred and the total sum owing reduced by the cumulative sum paid in the monthly instalments made by the Respondent Tenant to the Applicant Receiver on each due date until such time as the total sum of €2,750.00 has been paid in full.
6. For the avoidance of doubt, any default in the payment of any of the monthly instalments shall act to cancel any further deferral and the balance due at the date of default of any such monthly instalment shall immediately become due and owing to the Applicant Receiver.

This Order was made by the Residential Tenancies Board on 05 December 2019.



Claire Diggin

Assistant Director

Duly authorised to sign on behalf of the Director