

Residential Tenancies Board

Determination Order

Ref: DR0919-57427, DR1019-57943

In the matter of Tom O'Brien [Applicant/Respondent] (In his capacity as receiver over the certain assets of Sandra Jones, Landlord) and Atif Shahzad [Respondent/Applicant Tenant] the Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:

1. The Notice of Termination served on the 12th December 2017, on behalf of the Applicant/Respondent Receiver, on the Respondent/Applicant Tenant, in respect of the tenancy of the dwelling at Main Street, Scariff, Co. Clare, is valid.
2. The Respondent/Applicant Tenant, and all other persons residing in the above dwelling, shall vacate and give up possession of the above dwelling within 28 days of the date of issue of this Order.
3. The Respondent/Applicant Tenant shall pay the total sum of €6,482.45 to the Applicant/Respondent Receiver, by way of 32 consecutive monthly payments of €200, to be paid on or before the 28th day of each month, followed by one payment of €82.45, to be paid on or before the 28th day of the 33rd month, commencing in the month immediately following the month of issue of this Order. This sum of €6,482.45 being rent arrears of €8,482.45 up to the 19th November 2019, the date of the adjudication, less €2,000 damages for breach of Landlord Obligations under s12(1) b) of the Residential Tenancies Act 2004, in respect of the tenancy of the above dwelling.
4. The enforcement of this Order for such payment of €6,482.45 shall be deferred and the total sum owing shall be reduced by the cumulative sum paid in the monthly instalments by the Respondent/Applicant Tenant to the Applicant/Respondent Receiver, on each due date, until such time as the €6,482.45 has been paid in full.
5. 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 payment shall immediately become due and owing to the Applicant/Respondent Receiver.
6. The Respondent/Applicant Tenant shall also pay any further rent outstanding from the 19th November 2019, to the Applicant/Respondent Receiver, at the rate of €260 per month or proportional part thereof at the rate of €8.55 per day, unless lawfully varied, together with any other charges provided for under the terms of the tenancy agreement, for each month or part thereof, until such time as he vacates the above dwelling.

This Order was made by the Residential Tenancies Board on 16 January 2020.



Emer Morrissey

Assistant Director

Duly authorised to sign on behalf of the Director