

Residential Tenancies Board

Determination Order

Ref: DR0920-64973

In the matter of Declan Healy [Applicant Landlord] and Alain Kehoe [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 on the 20th of August 2020 by the Applicant Landlord on the Respondent Tenant in respect of the tenancy of the dwelling at Apartment 21, Carleton Village, Golf Links Road, Youghal, Co. Cork, is valid.
2. The Respondent Tenant, and all other persons residing in the above dwelling, shall vacate and give up possession of the above dwelling within 10 days from the date of issue of this Order.
3. The Respondent Tenant shall pay the total sum of €2,906.85 to the Applicant Landlord, by way of 4 consecutive monthly instalments at the rate of €650 per month, to be paid on or before the 5th day of each month, followed by one further instalment of €306.85, to be paid on or before the 5th day of the 5th month, commencing in the month immediately following the month of issue of this Order. This sum represents rent arrears of €2,706.85 together with the sum of €200 awarded in respect of damages as a result of the Respondent Tenant's failure to comply with his legal obligations to discharge rent in accordance with Section 16 of the Act and in failing to vacate the rented property after the service of a valid Notice of Termination.
4. The enforcement of this Order for such payment of €2,906.85 will be deferred and the total sum owing will be reduced by the cumulative sum paid in the monthly instalments of €650, or €306.85 in respect of the 5th and final instalment, by the Respondent Tenant to the Applicant Landlord, on each due date, until such time as the total sum of €2,906.85 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 Landlord.
6. The Respondent Tenant shall also pay any further rent outstanding from the 10th of November 2020 (being the day after the hearing date), at the rate of €650 per month or proportional part thereof at the rate of €21.37 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.

7. The Applicant Landlord shall refund the security deposit received of €475 to the Respondent Tenant, upon the Respondent Tenant vacating and giving up vacant possession of the above dwelling, less any amounts properly withheld in accordance with the provisions of the Act.

This Order was made by the Residential Tenancies Board on 03 February 2021.

A handwritten signature in black ink, appearing to read 'Geraldine Norton', with a horizontal line drawn underneath it.

Geraldine Norton

Higher Executive Officer

Duly authorised to sign on behalf of the Director