

Residential Tenancies Board

Determination Order

Ref: DR0921-72337, DR0821-71528

In the matter of Ross Cruise [Applicant/Respondent Tenant] and McGrath Group Properties [Respondent/Applicant Landlord] the Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:

1. The Notice of Termination with a service date of 5th August 2021, and served by the Respondent/Applicant Landlord upon the Applicant/Respondent Tenant in respect of the tenancy of the dwelling at Apartment 2, 75 Summerhill, Dublin 1, D01WF77, is valid.
2. The Applicant/Respondent Tenant, and all persons residing in the above dwelling shall vacate and give up possession of that dwelling within 14 days of the date of issue of this Determination Order.
3. The Applicant/Respondent Tenant shall pay the total sum of €10,062.66 to the Respondent/Applicant Landlord, in 20 equal consecutive monthly instalments at the rate of €500.00 per month, on the 28th day of each month, followed by one further instalment of €62.66 in the immediately succeeding month, commencing the next month after the date of issue of this Determination Order. This sum represents rent arrears of €10,862.66 in respect of the tenancy of the above dwelling, having deducted €800.00 in damages for the Respondent/Applicant Landlord's breach of its obligations under section 12(1)(b) of the 2004 Act.
4. The enforcement of this Order for such payment of €10,062.66 will be deferred, and the total sum owing reduced by the cumulative sum paid in the monthly instalments made by the Applicant/Respondent Tenant to the Respondent/Applicant Landlord on each due date, until such time as the total sum of €10,062.66 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 Respondent/Applicant Landlord.
6. The Applicant/Respondent Tenant shall pay any further rent as it falls due from 22nd October 2021, being the date of the adjudication hearing, in the sum of €1,400.00 per month, or proportionate part thereof, unless lawfully altered, for as long as he continues to reside in the above dwelling.

This Order was made by the Residential Tenancies Board on 12 January 2022.



Ciara Cronin

Higher Executive Officer

Duly authorised to sign on behalf of the Director