

## Residential Tenancies Board


### Determination Order

Ref: DR0921-72585, DR0921-72651

In the matter of Graham Spence [Applicant/Respondent Tenant] and Sean O'Loideain [Applicant/Respondent 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 date of service of 17 August 2021, served by the Applicant/Respondent Landlord on the Applicant/Respondent Tenant, in respect of the tenancy of the dwelling at 9 Rosan Glas, Rahoon, Co. Galway, H91N70K is valid.
2. The Applicant/Respondent Tenant and any other 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 Determination Order.
3. The Applicant/Respondent Tenant shall pay the total sum of €3,408.06 to the Applicant/Respondent Landlord by way of 5 consecutive instalments at the rate of €600.00 per calendar month, on or before the 28th day of each month, followed by one further instalment of €408.06 on or before the 28th day of the immediately succeeding month, commencing the next month after the issue of this Determination Order. This sum represents rent arrears of €3,758.06, having deducted a sum of €350.00 for breach of landlord obligations to allow the Applicant/Respondent Tenant to enjoy peaceful occupation of the dwelling, in respect of the tenancy of the above dwelling.
4. The Applicant/Respondent Tenant shall also pay any further rent outstanding from 6 December 2021, being the date of the Adjudication Hearing, at the rate of €1,450.00 per month, or proportionate part thereof at the rate of €47.67 per day, unless lawfully varied, and any other charges as provided for under the terms of the tenancy agreement for each month or part thereof, until such time as the above dwelling is vacated by the Applicant/Respondent Tenant and any other persons residing therein.
5. The enforcement of this Determination Order for such payment of €3,408.06 will be deferred and the total sum owing will be reduced by the cumulative sum paid in monthly instalments, by the Applicant/Respondent Tenant to the Applicant/Respondent Landlord, on each due date, until such time as the total sum of €3,408.06 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 payment shall immediately become due and owing to the Applicant/Respondent Landlord.
7. The Applicant/Respondent Landlord's claim that the Applicant/Respondent Tenant is in breach of tenant obligations, in respect of the tenancy of the above dwelling, is not upheld.
8. The Applicant/Respondent Landlord shall refund the entire of the security deposit of €1,450.00 to the Applicant/Respondent Tenant, upon the Applicant/Respondent Tenant vacating and giving up 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 4 May 2022.



Ciara Cronin

Higher Executive Officer

Duly authorised to sign on behalf of the Director