

## **Residential Tenancies Board**

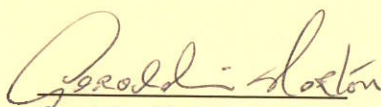
### **Determination Order**

**Ref: DR0923-89411**

In the matter of Damien Cashell, [Applicant Landlord(s)] and Sarah O'Donoghue [Respondent Tenant(s)] 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 3rd day of May 2023, served by the Applicant Landlord on the Respondent Tenant, in respect of the tenancy of the dwelling at 55 Woodview Park, Tralee, Co. Kerry, V92H6TP, is valid.
2. The Respondent Tenant and any 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 the Determination Order.
3. The Respondent Tenant shall pay the total sum of €1,863.83 to the Applicant Landlord, by way of 6 consecutive instalments at the rate of €300.00 per calendar month, on or before the 1st day of each month, followed by one further instalment of €63.83 on or before the 1st day of the immediately succeeding month, commencing the next month after the issue of the Determination Order. This sum represents rent arrears of €1,863.83 calculated up to the date of the adjudication hearing in this matter in respect of the tenancy of the above dwelling.
4. The Respondent Tenant shall continue to pay any further rent outstanding to the Applicant Landlord from the 6th day of March 2024, being the date of the Adjudication Hearing, at the rate of €1,400.00 per month, or proportionate part thereof at the rate of €46.03 per day, unless lawfully varied, and any other charges as set out in the terms of the tenancy agreement, for each month or part thereof, until such time as the above dwelling is vacated by the Respondent Tenant and any other persons residing therein.
5. The enforcement of the Determination Order for such payment of €1,863.83 will be deferred and the total sum owing will be reduced by the cumulative sum paid, in monthly instalments, by the Respondent Tenant to the Applicant Landlord, on each due date, until such time as the total sum of €1,863.83 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 Landlord.
7. The Applicant Landlord shall refund the security deposit of €850 to the Respondent Tenant, upon the 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 08 May 2024.



Geraldine Norton

Higher Executive Officer

Duly authorised to sign on behalf of the Director