

Residential Tenancies Board

Determination Order

Ref: DR1018-49075

In the matter of John Mullins [Applicant Landlord] and Sri Rajendraraajh Rajaraatnam [Respondent Tenant] the Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:

1. The Notice of Termination dated 22nd August 2018 served by the Applicant Landlord on the Respondent Tenant in respect of the tenancy of the dwelling at 103 The Courtyard, Mount Kenneth, Dock Road, Co. Limerick is valid.
2. The Respondent Tenant and all persons residing in the above dwelling shall vacate and give up possession of the above dwelling within seven days of the date of issue of this Order.
3. The Respondent Tenant shall pay the total sum of €2,365.20 to the Applicant Landlord, in 5 consecutive monthly payments of €473.04, on the 28th day of each month, commencing on the 28th day of the month immediately following the date of issue of this Order, being rent arrears of €2,155.20 and damages of €210.00 for the consequences of the Respondent Tenant's breach of Section 16(a)(i) of the Act, in respect of the tenancy of the above dwelling.
4. The enforcement of this Order for such payment of €2,365.20 will be deferred and the total sum owing reduced by the cumulative sum paid in the monthly instalments made by the Respondent Tenant to the Applicant Landlord on each due date until such time as the total sum of €2,365.20 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 31st October 2018, being the date of the Adjudication hearing, at the rate of €800.00 per month or proportional part thereof at the rate of €26.30 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 Respondent Tenant vacates the above dwelling.
7. The Applicant Landlord shall refund the entire of the security deposit of €650.00 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 20 December 2018.



Emer Morrissey

Higher Executive Officer

Duly authorised to sign on behalf of the Director