

## **Residential Tenancies Board**

### **Determination Order**

**Ref: DR1018-49482**

In the matter of Eileen Smyth [Applicant Landlord] and Leonard McGinley, Pauline Kathleen McGinley [Respondent Tenants] the Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:

1. The Notice of Termination served by the Applicant on 22nd August 2018 on the Respondent Tenant in respect of the tenancy of the dwelling at 5 Stone Court, Strokestown, County Roscommon is valid.
2. The Respondent Tenants and all 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 this Order.
3. The Respondent Tenants shall pay the total sum of €30,000 to the Applicant Landlord, within 56 days of the date of issue of this Order, being rent arrears of €20,000 in respect of the tenancy of the above dwelling plus damages of €10,000 for failure to pay the rent as it fell due.
4. The Respondent Tenants shall also pay any further rent outstanding from 16th November 2018, being the date of the Adjudication hearing, at the rate of €550 per month or proportional part thereof at the rate of €18.08 per day 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.
5. The Applicant Landlord shall refund the entire of the security deposit of €1,100 to the Respondent Tenants, upon the Respondent Tenants 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 21 February 2019.



Gary Byrne

Higher Executive Officer

Duly authorised to sign on behalf of the Director