

Residential Tenancies Board

Determination Order

Ref: DR1018-49506

In the matter of John Brennan and Bridie Brennan [Applicant Landlords] and Arkadiusz Fido [Respondent Tenant] the Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:

1. The Notice of Termination served on the 15th of September 2018, by the Applicant Landlords on the Respondent Tenant, in respect of the tenancy of the dwelling at 7 Dhurabahan, Roscam, Co. Galway, is valid.
2. The Respondent Tenant, and any other person/s residing in the above dwelling, shall vacate and give up possession of the dwelling within 14 days of the date of issue of this Order.
3. The Respondent Tenant shall pay the total sum of €4,492.24 to the Applicant Landlords, by way of 8 consecutive monthly instalments at the rate of €500 per month, payable on the 1st day of each month, followed by one further instalment of €492.24, payable on the 1st day of the 9th month, payment commencing on the 1st day of the month immediately following the month of issue of this Order. This sum represents rent arrears of €4,292.24 together with the sum of €200 awarded in respect of damages as a result of the Tenant's failure to comply with his legal obligations to discharge rent in accordance with Section 16 of the Act.
4. The enforcement of this Order for such payment of €4,492.24 will be deferred and the total sum owing will be reduced by the cumulative sum paid in the monthly instalments by the Respondent Tenant to the Applicant Landlords, on each due date, until such time as the total sum of €4,492.24 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 Landlords.
6. The Respondent Tenant shall also pay any further rent outstanding from 13th November 2018, being the date of the hearing, to the Applicant Landlords, at the rate of €725 per month or proportional part thereof at the rate of €23.83 per day, together with any other charges provided for under the terms of the tenancy agreement, for each month or part thereof, until such time as he vacates the dwelling.

7. The Applicant Landlords shall refund the entire of the security deposit of €700 to the Respondent Tenant, upon the Respondent Tenant 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 24 January 2019.

A handwritten signature in dark ink, appearing to read 'Gary Byrne', is written over a horizontal line.

Gary Byrne

Higher Executive Officer

Duly authorised to sign on behalf of the Director