

Residential Tenancies Board

Determination Order

Ref: DR1018-49531, DR0918-48338

In the matter of Andrzej Jozef Seferyn [Applicant/Respondent Tenant] and Tom Hallissey [Respondent/Applicant Landlord] the Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:

1. The Applicant/Respondent Tenant's application, regarding the Respondent/Applicant Landlord's breach of his obligations under the Act in failing to carry out repairs, in respect of the tenancy of the dwelling at 21 The Printworks, Adelaide Road, Bray, Co. Wicklow, is not upheld.
2. The Notice of Termination served on the 2nd October 2018 by the Respondent/Applicant Landlord on the Applicant/Respondent Tenant in respect of the tenancy of the above dwelling is valid.
3. The Applicant/Respondent Tenant 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.
4. The Applicant/Respondent Tenant shall pay the total sum of €7083.36 to the Respondent/Applicant landlord, in 7 equal consecutive installments at the rate of €1,000.00 per calendar month, on the 1st day of each month, followed by one further installment of €83.36 in the immediately succeeding month commencing the next month after the issue of this Order. This sum represents rent arrears of €7083.36, in respect of the tenancy of the above dwelling;
5. The Applicant/Respondent Tenant shall also pay any further rent outstanding from the 27th November 2018 being the date of the adjudication hearing, at the rate of €1,252.76 per month or proportionate part thereof at the rate of €41.19 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 he vacates the above dwelling.
6. The enforcement of this Order for such payment of €7083.36 will be deferred and the total sum owing reduced by the cumulative sum paid in the monthly instalments made by the Applicant/Respondent Tenant to the Respondent/Applicant Landlord on each due date until such time as the total sum of €7083.36 has been paid in full.
7. 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 Respondent/Applicant Landlord.

8. The Respondent/Applicant Landlord shall refund the entire of the security deposit of €1,195.00 to the Applicant/Respondent Tenant, upon the 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 01 February 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