

Residential Tenancies Board

Determination Order

Ref: DR1019-57690

In the matter of David Haughan [Applicant Landlord] and Daniel Mlagala and Kristine Zake [Respondent Tenants] 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 17th June 2019 served by the Applicant Landlord on the Respondent Tenants, in respect of the tenancy of the dwelling at 6 Quarryfield Court, Clondalkin, Dublin 22 is valid.
2. The Respondent Tenants 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 this Determination Order.
3. The Respondent Tenants shall pay the total sum of €7,397 to the Applicant Landlord, by way of 10 consecutive instalments at the rate of €739.70 per calendar month, on or before the 28th day of each month, commencing the next month after the issue of this Determination Order. This sum represents rent arrears of €7,397 in respect of the tenancy of the dwelling at 6 Quarryfield Court, Clondalkin, Dublin 22.
4. The Respondent Tenants shall also pay any further rent outstanding from 4th December 2019 being the date of the Adjudication Hearing, at the rate of €1,200 per month or proportionate part thereof at the rate of €39.45 per day, unless lawfully varied, and any other charges as provided for under the terms of the tenancy agreement for each month or part thereof, until such time as the above dwelling is vacated by the Respondent Tenants and any other persons residing therein.
5. The enforcement of this Determination Order for such payment of €7,397 will be deferred and the total sum owing will be reduced by the cumulative sum paid, in monthly instalments, by the Respondent Tenants to the Applicant Landlord, on each due date, until such time as the total sum of €7,397 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 €1,200 to the Respondent Tenants, 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 30 January 2020.

A handwritten signature in black ink, appearing to read 'Geraldine Norton', written over a horizontal line.

Geraldine Norton

Higher Executive Officer

Duly authorised to sign on behalf of the Director