

Residential Tenancies Board

Determination Order

Ref: DR1019-57978

In the matter of O'Carroll Holdings Limited [Applicant Landlord] and Alma Macasa [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 19th of August 2019 by the Applicant Landlord on the Respondent Tenant in respect of the tenancy of the dwelling at 17 Dunlo Court, Ballinasloe, 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 above dwelling within 21 days of the date of issue of this Order.
3. The Respondent Tenant shall pay the total sum of €2,699.26 to the Applicant Landlord, by way of 5 consecutive monthly instalments at the rate of €500 per month, to be paid on or before the 24th day of each month, followed by one further instalment of €199.26, to be paid on or before the 24th day of the 6th month, commencing in the month immediately following the month of issue of this Order. This sum represents rent arrears of €2,399.26 together with the sum of €300 awarded in respect of damages as a result of the Tenant's failure to comply with her legal obligations to discharge rent in accordance with Section 16 of the Act and in failing to vacate the rented property after the service of a valid Notice of Termination.
4. The enforcement of this Order for such payment of €2,699.26 will be deferred and the total sum owing will be reduced by the cumulative sum paid in the monthly instalments of €500, or €199.26 in respect of the 6th and final instalment, by the Respondent Tenant to the Applicant Landlord, on each due date, until such time as the total sum of €2,699.26 has been paid in full.
5. For the avoidance of doubt, any default in the payment of any of the monthly instalments of €500, or €199.26 in respect of the 6th and final instalment, 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 the 19th of November 2019, being the day after the day of the hearing, to the Applicant Landlord, at the rate of €350 per month or proportional part thereof at the rate of €11.51 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 she vacates the above dwelling.

This Order was made by the Residential Tenancies Board on 09 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