

## **Residential Tenancies Board**

### **Determination Order**

**Ref: DR1019-58003**

In the matter of Marcus McInerney [Applicant Landlord] and Kevin Power [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 by the Applicant Landlord on 19th day of September 2019 on the Respondent Tenant in respect of the tenancy of the dwelling at 14 Elm Park, Ennis Road, Co Limerick is valid.
2. The Respondent Tenant shall vacate and give up possession of the above dwelling within 14 days of the date of issue of this Order.
3. The Respondent Tenant shall pay the total sum of €5,558.46 to the Applicant Landlord, in 4 equal instalments at the rate of €500 per calendar month, on the 19th of each month, followed by one further instalment of €558.46 in the immediately succeeding month commencing the next month after the issue of this Order. This sum represents rent arrears of €5,258.46 together with the sum of €300 awarded in respect of damages as a result of the Tenants failure to comply with his 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 €5,558.46 will be deferred and the total sum owing reduced by the cumulative sum paid in the monthly instalments of €500 or €558.46 with respect to the fifth and final instalment made by the Respondent Tenant to the Applicant Landlord on each due date until such time as the total sum of €5,558.46 has been paid in full.
5. The Respondent Tenant shall also pay any further rent outstanding from the 11th day of December 2019 (being the day after the hearing date), at the rate of €1,400 per month or proportional part thereof at the rate of €46.02 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.
6. The Applicant Landlord shall refund the entire of the security deposit of €1,400 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 16 January 2020.

A handwritten signature in black ink, appearing to read 'Grace McCormack Macken', written over a horizontal line.

Grace McCormack Macken

Higher Executive Officer

Duly authorised to sign on behalf of the Director