

Residential Tenancies Board

Determination Order

Ref: DR1020-65369

In the matter of Carol Pinkava [Applicant Landlord] and Elizabeth Palazzo [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 11th day of March 2020 on the Respondent Tenant in respect of the tenancy of the dwelling at 35 Edenmore Avenue, Edenmore, Dublin 5 is valid.
2. The Respondent Tenant and all other persons residing in the dwelling shall vacate and give up possession of the above dwelling within 10 days from the date of issue of this Order or the date that the Emergency Period (as defined by the Residential Tenancies Act 2020) expires, whichever is later.
3. The Respondent Tenant shall pay the total sum of €38,400 to the Applicant Landlord, in 38 equal instalments at the rate of €1,000 per calendar month, on the 1st of each month, followed by one further instalment of €400 in the immediately succeeding month commencing the next month after the issue of this Order. This sum represents the sum awarded with regard to rent arrears of twice the annual rent.
4. The enforcement of this Order for such payment of €38,400 will be deferred and the total sum owing reduced by the cumulative sum paid in the monthly instalments of €1,000 or €400 with respect to the thirty-ninth and final instalment made by the Respondent Tenant to the Applicant Landlord on each due date until such time as the total sum of €38,400 has been paid in full.
5. The Respondent Tenant shall also pay any further rent outstanding from the 14th day of November 2020 (being the day after the hearing date), at the rate of €1,600 per month or proportional part thereof at the rate of €52.60 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 security deposit received of €1,600 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 03 March 2021.

Ciara Cronin

Ciara Cronin

Higher Executive Officer

Duly authorised to sign on behalf of the Director