

Residential Tenancies Board


Determination Order

Ref: DR1020-65724

In the matter of Marcus Purcell, Luke Charleton (Acting in capacity as Joint Receivers over the certain assets of James Colbert, Elizabeth Colbert, Joe O'Leary and Mary O'Leary) [Applicants] and Dagmara Ozog [Respondent Tenant] the Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:

1. The Notice of Termination with a service date of 11th September 2020, and served by the Applicants upon the Respondent Tenant in respect of the tenancy of the dwelling at 5 Watersedge, Riverside Way, Midleton, County Cork, is valid.
2. The Respondent Tenant and any other persons residing in the above dwelling shall vacate and give up possession of that dwelling. Pursuant to the Residential Tenancies Act 2020 the Respondent Tenant and all other persons residing in the above dwelling shall not be required to vacate the dwelling during the emergency period as defined in section 2 of the Residential Tenancies Act 2020 ("the Emergency Period") or as extended by order under section 31A of the Health Act 1947. The Respondent Tenant and all other persons residing in the above dwelling shall vacate and give up possession of that dwelling within 10 days of the expiration of the Emergency Period, or within 10 days of the date of issue of this Determination Order, whichever is the later.
3. The Respondent Tenant shall pay the total sum of €8,760 to the Applicants, in 21 equal consecutive monthly instalments at the rate of €400 per month, on the 28th day of each month, followed by one further instalment of €360 in the immediately succeeding month, commencing the next month after the issue of this Determination Order. This sum represents rent arrears in respect of the tenancy of above dwelling.
4. The enforcement of this Order for such payment of €8,760 will be deferred and the total sum owing reduced by the cumulative sum paid in the monthly instalments made by the Respondent Tenant to the Applicants on each due date until such time as the total sum of €8,760 has been paid in full.
5. 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 Applicants.

This Order was made by the Residential Tenancies Board on 06 May 2021.



Ciara Cronin

Higher Executive Officer

Duly authorised to sign on behalf of the Director