

Residential Tenancies Board

Determination Order

Ref: DR1020-65963

In the matter of Ronan Fagan [Applicant Landlord] and Walmes Rangel De Souza [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 15th day of September 2020 on the Respondent Tenant in respect of the tenancy of the dwelling at Apartment 1, 79 Cork Street, Dublin 8 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 a period of 21 days from the date of issue of this Determination Order or within 10 days of the expiration of any 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, whichever date is later.
3. The Respondent Tenant shall pay the total sum of €11,287.41 to the Applicant Landlord, in 22 equal instalments at the rate of €500 per calendar month, on the 8th day of each month, followed by one further instalment of €287.41 in the immediately succeeding month, commencing the next month after the issue of this Determination Order. This sum represents the sum awarded with regard to rent arrears, in respect of the tenancy of the above dwelling.
4. The enforcement of this Order for such payment of €11,287.41 will be deferred and the total sum owing reduced by the cumulative sum paid in the monthly instalments, by the Respondent Tenant to the Applicant Landlord, on each due date, until such time as the total sum of €11,287.41 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 Applicant Landlord.
6. The Respondent Tenant shall also pay any further rent outstanding from the 11th day of December 2020 (being the day after the hearing date), at the rate of €1,900 per month or proportional part thereof at the rate of €62.47 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.

7. The Applicant Landlord shall refund the security deposit received of €1,900 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 06 May 2021.

Ciara Cronin
Ciara Cronin
Higher Executive Officer
Duly authorised to sign on behalf of the Director