

**Residential Tenancies Board
Determination Order**

Ref: DR1021-73361

In the matter of Declan Maxwell, Nicola Maxwell [Applicant Landlords] and David Madden [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 date-of-service of 9 July 2021, served by the Applicant Landlords on the Respondent Tenant, in respect of the tenancy of the dwelling at 82 Castleheath, Swords Road, Malahide, Co. Dublin, is valid.
2. The Respondent Tenant, and any other persons residing in the above dwelling, shall vacate and give up possession of the above dwelling within 14 days of the date of issue of this Determination Order.
3. The Respondent Tenant shall pay the total sum of €7,490.00 to the Applicant Landlords, by way of 7 consecutive monthly instalments at the rate of €1,000.00 per month, to be paid on or before the 28th day of each month, followed by one further instalment of €490.00, to be paid on or before the 28th day of the 8th month, commencing in the month immediately following the month of issue of this Determination Order. This sum represents rent arrears of €7,490.00 in respect of the tenancy of the above dwelling.
4. The enforcement of this Determination Order for such payment of €7,490.00 will be deferred and the total sum owing will be reduced by the cumulative sum paid, in monthly instalments, by the Respondent Tenant to the Applicant Landlords, on each due date, until such time as the total sum of €7,490.00 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 Landlords.
6. The Respondent Tenant shall also pay any further rent outstanding from 17 December 2021, being the date of the (virtual) hearing, to the Applicant Landlords, at the rate of €2,178.00 per month or proportionate part thereof at the rate of €71.61 per day, unless lawfully varied, together with any other charges provided for under the terms of the tenancy agreement, for each month or part thereof, until such time as the above dwelling is vacated by him and by any other persons residing therein.
7. The Applicant Landlords are not required to refund the security deposit of €2,178.00 to the Respondent Tenant as this was used by the Respondent Tenant to pay the rent for the dwelling for the month of June 2021.

This Order was made by the Residential Tenancies Board on 09 March 2022.



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