

Residential Tenancies Board

Determination Order

Ref: DR1118-49952

In the matter of Eugene Cleary [Applicant Landlord] and Danielle Hawe [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 on the 25th October 2018, on behalf of the Applicant Landlord, on the Respondent Tenant, in respect of the tenancy of the dwelling at 25 The Green, Clonard Village, Co. Wexford, Y35NVH7, is valid.
2. The Respondent Tenant, and any other person/s residing in the above dwelling, shall vacate and give up possession of the dwelling within 14 days of the date of issue of this Determination Order.
3. The Respondent Tenant shall pay the total sum of €9,089.30 to the Applicant Landlord, by way of 18 consecutive monthly payments of €500, to be paid on or before the 28th day of each month, followed by a final payment of €89.30, to be paid on or before the 28th day of the 19th month, payment commencing in the month immediately following the month of issue of this Determination Order. This sum of €9,089.30 being rent arrears up to the 27th November 2018, in respect of the tenancy of the above dwelling.
4. The enforcement of this Determination Order for such payment of €9,089.30 will be deferred and the total sum owing will be 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 €9,089.30 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 27th November 2018, being the date of the hearing, to the Applicant Landlord, at the rate of €800 per month or proportional part thereof at the rate of €26.30 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 she vacates the above dwelling.
7. The Applicant Landlord shall refund the entire of the security deposit of €800 to the Respondent Tenant, on gaining 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 01 February 2019.



Emer Morrissey

Higher Executive Officer

Duly authorised to sign on behalf of the Director
of the Director