

## **Residential Tenancies Board**

### **Determination Order**

**Ref: DR1118-50073**

In the matter of James Kelly [Applicant Tenant] and Magdalena Klusiewicz [Respondent Landlord] 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 18th October 2018 (with a stated date of service as the 19th October 2018), by the Respondent Landlord on the Applicant Tenant, in respect of the tenancy of the dwelling at Apartment 23, Cathair Danann, North Circular Road, Tralee, Co. Kerry is valid.
2. The Applicant Tenant and all persons residing in the above dwelling, shall vacate and give up possession of the dwelling within 21 days of the date of issue of this Determination Order.
3. The Applicant Tenant shall pay the total sum of €2,148.77 to the Respondent Landlord, in 5 consecutive monthly payments of €400.00, on the 28th day of each month, followed by one further payment of €148.77 on the 28th day of the immediately succeeding month, commencing on the 28th day of the month immediately following the date of issue of this Order, being rent arrears of €2,148.77 in respect of the tenancy of the above dwelling.
4. The enforcement of this Order for such payment of €2,148.77 will be deferred and the total sum owing will be reduced by the cumulative sum paid in the monthly instalments made by the Applicant Tenant to the Respondent Landlord on each due date until such time as the total sum of €2,148.77 has been paid in full.
5. For the avoidance of doubt, any default in the payment of any monthly instalment 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 Respondent Landlord.
6. The Applicant Tenant shall pay any further rent outstanding to the Respondent Landlord from the 15th January 2019, being the date of the Adjudication hearing, at the rate of €650.00 per month or proportionate part thereof at the rate of €21.37 per day, unless lawfully varied, 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 above dwelling is vacated by the Applicant Tenant and all persons residing therein.
7. The Respondent Landlord shall refund the entire of the security deposit of €1,300.00 to the Applicant Tenant, upon the Applicant Tenant vacating and giving up 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 04 April 2019.

A handwritten signature in dark ink, appearing to read 'Gary Byrne', is written over a horizontal line.

Gary Byrne

Higher Executive Officer

Duly authorised to sign on behalf of the Director