

Residential Tenancies Board


Determination Order

Ref: DR1118-50394

In the matter of KW PRS ICAV acting for and on behalf of KW PRS Fund 7 [Applicant Landlord] and John O Driscoll [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 Apartment 40, The Elysian, Eglington Street, Co. Cork, is valid.
2. The Respondent Tenant, and any other person/s 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 Order.
3. The Respondent Tenant shall pay the total sum of €4,430 to the Applicant Landlord, by way of 29 consecutive monthly payments of €150, to be paid on or before the 28th day of each month, followed by a final payment of €80, to be paid on or before the 28th day of the 30th month, commencing in the month immediately following the month of issue of this Order. This sum of €4,430 being rent arrears up to the 17th May 2019 in respect of the tenancy of the above dwelling.
4. The enforcement of this Order for such payment of €4,430 shall be deferred and the total sum owing shall 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 entire €4,430 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 17th May 2019, being the date of the hearing, to the Applicant Landlord, at the rate of €1,066 per month or proportional part thereof at the rate of €35.05 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 he vacates the above dwelling.
7. The Applicant Landlord shall refund the entire of the security deposit of €900 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 August 2019.

A handwritten signature in blue ink, consisting of several loops and a final horizontal stroke, positioned above a thin horizontal line.

Claire Diggin

Assistant Director

Duly authorised to sign on behalf of the Director