

Residential Tenancies Board

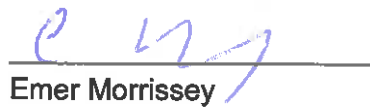
Determination Order

Ref: DR1118-50435

In the matter of Tom O'Brien (Receiver Over Certain Assets of Eamonn McCormack) [Applicant Landlord] and Bernie Kerrigan [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 on 08 March 2018 on the Respondent Tenant in respect of the tenancy of the dwelling at 6 Newcombe Avenue, North Strand, Dublin 3 is valid.
2. The Respondent Tenant and all persons residing in the above dwelling shall vacate and give up possession of the above dwelling within 21 days of the date of issue of this Order.
3. The Respondent Tenant shall pay the total sum of €9,000 to the Applicant Landlord, in 10 equal consecutive instalments at the rate of €900 per calendar month, on the 28th day of each month, commencing the next month after the issue of this Order. This sum represents rent arrears of €9,000 in respect of the tenancy at the above address;
4. The enforcement of this Order for such payment of €9,000 will be deferred and the total sum owing reduced by the cumulative sum paid in the monthly instalments made by the Respondent Tenant to the Applicant Landlord on each due date until such time as the total sum of €9,000 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 22nd January 2019, being the date of the Adjudication hearing, at the rate of €1,000 per month or proportional part thereof at the rate of €32.88 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 vacate the above dwelling.
7. The Landlord shall refund any security deposit held 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 22 March 2019.



Emer Morrissey

Higher Executive Officer

Duly authorised to sign on behalf of the Director