

Residential Tenancies Board

Determination Order

Ref: DR1119-58329

In the matter of Ballymote Construction Limited [Applicant Landlord] and Elizabeth Moore and Sean Moore [Respondent Tenants] the Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:

1. The Notice of Termination dated 3rd September 2019, served by the Applicant Landlord on the Respondent Tenants, in respect of the tenancy of the dwelling at 28 Cnoc Na Sí, Rathscanlon, Tubbercurry, Sligo, F91F6W7, is valid.
2. The Respondent Tenants and any other persons residing in the above dwelling shall vacate and give up possession of the above dwelling within twenty-eight days of the date of issue of this Determination Order.
3. The Respondent Tenants shall pay the total sum of €1,534.44 to the Applicant Landlord, by way of three consecutive instalments at the rate of €500.00 per calendar month, on or before the 28th day of each month, followed by one further instalment of €34.44 in the immediately succeeding month commencing the next month after the issue of the Determination Order. This sum represents rent arrears of €1,534.44 in breach of Section 16(a)(i) of the Act, in respect of the tenancy of the above dwelling.
4. The enforcement of this Determination Order for such payment of €1,534.44 will be deferred and the total sum owing will be reduced by the cumulative sum paid, in monthly instalments, by the Respondent Tenants to the Applicant Landlord, on each due date, until such time as the total sum of €1,534.44 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 Tenants shall also pay any further rent outstanding from 9th December 2019, being the date of the Adjudication Hearing, at the rate of €750.00 per month or proportionate part thereof at the rate of €24.66 per day, unless lawfully varied, and any other charges as 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 the Respondent Tenants and any other persons residing therein.
7. The Applicant Landlord shall refund the security deposit of €750.00 to the Respondent Tenants, 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 27 February 2020.

A handwritten signature in blue ink, appearing to read 'Emer Morrissey', is written over a horizontal line.

Emer Morrissey
Assistant Director

Duly authorised to sign on behalf of the Director