

Residential Tenancies Board

Determination Order

Ref: DR1119-58789, DR1119-58352

In the matter of Lorraine Taylor [Applicant/Respondent Landlord] and Suzette Wilson [Respondent/Applicant Tenant] the Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:

1. The Notice of Termination with a service date of 22nd October 2019, and served by the Applicant/Respondent Landlord upon the Respondent/Applicant Tenant in respect of the tenancy of the dwelling at 10 Whitechapel Road, Clonsilla, Dublin 15 is valid.
2. The Respondent/Applicant Tenant and all persons 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/Applicant Tenant shall pay the total sum of €2,972.91 to the Applicant/Respondent Landlord, in 4 equal consecutive instalments at the rate of €700 per calendar month on the 28th day of each month, followed by one further instalment of €172.91 in the immediately succeeding month, commencing the next month after the issue of this Order. This sum represents rent arrears in respect of the tenancy of the above dwelling.
4. The enforcement of this Order for such payment of €2,972.91 will be deferred and the total sum owing reduced by the cumulative sum paid in the monthly instalments made by the Respondent/Applicant Tenant to the Applicant/Respondent Landlord on each due date until such time as the total sum of €2,972.91 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/Respondent Landlord.
6. The Respondent/Applicant Tenant shall also pay any further rent and charges outstanding from 17th December 2019, being the date of the Adjudication hearing, at the rate of €950 per month or proportionate part thereof until such time she vacates and gives up possession of the above dwelling.
7. The Applicant/Respondent Landlord shall refund the entire of the security deposit of €950 to the Respondent/Applicant Tenant, upon the Respondent/Applicant Tenant vacating and giving up possession of the above dwelling, less any amounts properly withheld in accordance with the provisions of the Act.
8. The Respondent/Applicant Tenant's claim regarding deprivation of access to certain areas in the vicinity of the dwelling, and her claim alleging breach of her entitlement to peaceful occupation of the dwelling, are not upheld.

This Order was made by the Residential Tenancies Board on 13 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