

Residential Tenancies Board

Determination Order

Ref: DR1119-58794

In the matter of Elizabeth Horgan [Applicant Landlord] and Melissa O'Mahony [Respondent 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 date of service of 18 October 2019, served by the Applicant Landlord on the Respondent Tenant, in respect of the tenancy of the dwelling at 146 Kilbarry Place, Farranree, Co. Cork, is valid.
2. The Respondent Tenant and any other 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 Determination Order.
3. The Respondent Tenant shall pay the total sum of €4,689.28 to the Applicant Landlord by way of 4 equal consecutive instalments at the rate of €1,000.00 per calendar month, on or before the 28th day of each month, followed by one further instalment of €689.28 in the immediately succeeding month, commencing the next month after the issue of this Determination Order. This sum represents rent arrears of €4,689.28 in respect of the tenancy of the above dwelling.
4. The Respondent Tenant shall also pay any further rent outstanding from 9 January 2020, being the date of the Adjudication Hearing, at the rate of €1,100.00 per month, or proportional part thereof at the rate of €36.16 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 Tenant and any other persons residing therein.
5. The enforcement of this Order for such payment of €4,689.28 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 €4,689.28 has been paid in full.
6. 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 instalment shall immediately become due and owing to the Applicant Landlord.
7. The Applicant Landlord shall refund the entire of the security deposit of €1,100.00 to the Respondent Tenant, upon the Respondent 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 05 March 2020.



Emer Morrissey
Assistant Director

Duly authorised to sign on behalf of the Director