

Residential Tenancies Board

Determination Order

Ref: DR1120-66325

In the matter of Peter Kelleher [Applicant Landlord] and Edward Fitzgerald, Megan O'Brien [Respondent Tenants] 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 9 November 2020 served by the Applicant Landlord on the Respondent Tenants, in respect of the tenancy of the dwelling at 19 Caiseal Na Rí, Golden Road, Cashel, Co. Tipperary is valid.
2. The Respondent Tenants and any other persons residing in the dwelling shall vacate and give up possession of the above dwelling. Pursuant to the Residential Tenancies Act 2020 the Respondents and any other persons residing in the dwelling shall not be required to vacate the dwelling during the emergency period as defined in section 2 of the Residential Tenancies Act 2020 or as extended by order under section 31A of the Health Act 1947. The Respondents and any other persons residing in the dwelling shall vacate the dwelling within 14 days of the date of issue of this Order or within 33 days of the expiration of the emergency period, whichever the later.
3. The Respondent Tenants shall pay the total sum of €4397.20 to the Applicant Landlord, by way of 8 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 €397.20 in the immediately succeeding month commencing the next month after the issue of this Determination Order. This sum represents rent arrears of €4397.20, in respect of the tenancy of the above dwelling.
4. The Respondent Tenants shall also pay any further rent outstanding from 5 February 2021, being the date of the Adjudication Hearing, at the rate of €850.00 per month or proportionate part thereof at the rate of €27.95 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.
5. The enforcement of this Determination Order for such payment of €4397.20 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 Landlords, on each due date, until such time as the total sum of €4397.20 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 payment shall immediately become due and owing to the Applicant Landlord.

7. The Applicant Landlord shall refund the security deposit of €850.00 to the Respondent Tenants, upon the Respondent Tenants 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 28 April 2021.



Ciara Cronin

Higher Executive Officer

Duly authorised to sign on behalf of the Director