

## **Residential Tenancies Board**

### **Determination Order**


**Ref: DR1122-81225**

In the matter of Fiona Murray [Applicant Landlord] and Luke Comerford, Brian Quinn, Simon Higgins [Respondent Tenant] the Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:

1. The separate Notices of Termination (landlord's own use) with a date of service of 14/09/2022 served by the Applicant Landlord on the Respondent Tenants Luke Comerford and Simon Higgins, in respect of the tenancy of the dwelling at 71 Kennelsfort Road, Palmerstown, Dublin 20, are valid.
2. The Notice of Termination (rent arrears) with a date of service of 4/10/2022 served by the Applicant Landlord on the Respondent Tenant Luke Comerford, in respect of the tenancy of the above dwelling is valid.
3. The separate Notices of Termination (rent arrears) with a date of service of 8/11/2022 served by the Applicant Landlord on the Respondent Tenants Simon Higgins and Brian Quinn in respect of the tenancy of the above dwelling are valid.
4. The Respondent Tenants and any other persons residing in the above dwelling shall vacate and give up possession of the above dwelling on 4/05/2023 or within 14 days of the date of issue of this Determination Order, whichever is the later.
5. The Respondent Tenant Luke Comerford shall pay the sum of €4,487.00 to the Applicant Landlord, within 14 days of the date of issue of the Determination Order, being rent arrears up to the date of the adjudication hearing on 20/04/2023, in respect of the tenancy of the above dwelling.
6. The Respondent Tenant Luke Comerford shall also pay any further rent outstanding from 20/04/2023 being the date of the Adjudication Hearing, at the rate of €85.00 per week or proportionate part thereof unless lawfully varied, and any other charges as provided for under the terms of the tenancy agreement for each week or part thereof, until such time as the above dwelling is vacated by the Respondent Tenants and any other persons residing therein.
7. The Respondent Tenant Simon Higgins shall pay the sum of €2,978.00 to the Applicant Landlord, within 14 days of the date of issue of this Determination Order, being rent arrears up to the date of the adjudication hearing on 20/04/2023, in respect of the tenancy of the above dwelling.
8. The Respondent Tenant Simon Higgins shall also pay any further rent outstanding from 20/04/2023 being the date of the Adjudication Hearing, at the rate of €80.00 per week or proportionate part thereof unless lawfully varied, and any other charges as provided for under the terms of the tenancy agreement for each week or part thereof, until such time as the above dwelling is vacated by the Respondent Tenants and any other persons residing therein.

9. The Respondent Tenant Brian Quinn shall pay the total sum of €600.00 to the Applicant Landlord, by way of 12 consecutive instalments at the rate of €50.00 per calendar month, on or before the 1st day of each month, commencing the next month after the issue of the Determination Order. This sum represents rent arrears of €600.00 in respect of the tenancy of the above dwelling. The enforcement of paragraph 9 i) of the the Determination Order for such payment of €600.00 will be deferred and the total sum owing will be reduced by the cumulative sum paid, in monthly instalments, by the Respondent Tenant Brian Quinn to the Applicant Landlord, on each due date, until such time as the total sum of €600.00 has been paid in full. For the avoidance of doubt, any default in the payment of any of the monthly instalments by the Respondent Tenant Brian Quinn 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.

This Order was made by the Residential Tenancies Board on 14 June 2023.



Geraldine Norton

Higher Executive Officer

Duly authorised to sign on behalf of the Director