

## **Residential Tenancies Board**

### **Determination Order**

**Ref: DR1219-59626**

In the matter of Ken Fennell [Applicant] (In capacity as receiver over certain assets of Martin Carr and Gerard Carr, Landlords) and Niall (Neill) Carlisle [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 17 January 2019, served by the Applicant Receiver on the Respondent Tenants in accordance with the provisions of paragraph 3 of the Table to section 34 of the Residential Tenancies Act 2004, as amended, in respect of the tenancy of the dwelling at 175 The Hardwicke, North Brunswick Street, Dublin 7, is valid.
2. The Notice of Termination, with a date of service of 5 March 2019, served by the Applicant Receiver on the Respondent Tenants in accordance with the provisions of paragraph 1 of the Table to section 34 of the Residential Tenancies Act 2004, as amended, for breach of tenant obligations to facilitate access to the dwelling by the Receiver's Agents for the purpose of carrying out an inspection, in respect of the tenancy of the above dwelling, is valid.
3. The Notice of Termination, with a date of service of 26 March 2019, served by the Applicant Receiver on the Respondent Tenants in accordance with the provisions of paragraph 1 of the Table to section 34 of the Residential Tenancies Act 2004, as amended, for failure to pay the rent as it falls due for payment, in respect of the tenancy of the above dwelling, is valid.
4. The Respondent Tenants, and any other person/s residing in the above dwelling, shall vacate and give up possession of the dwelling within 14 days of the date of issue of this Order.
5. The Respondent Tenants shall pay the total sum of €26,206.06 to the Applicant Receiver by way of 8 consecutive monthly instalments at the rate of €3,000.00 per month, to be paid on or before the 28th day of each month, followed by one further instalment of €2,206.06, to be paid on or before the 28th day of the 9th month, commencing in the month immediately following the month of issue of this Order. This sum represents rent arrears of €26,206.06 in respect of the tenancy of the above dwelling.
6. The enforcement of this Order for such payment of €26,206.06 will be deferred and the total sum owing will be reduced by the cumulative sum paid in the monthly instalments, by the Respondent Tenants to the Applicant Receiver, on each due date, until such time as the total sum of €26,206.06 has been paid in full.
7. 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 Receiver.

8. The Respondent Tenants shall also pay any further rent outstanding from 18 June 2020, being the date of the adjudication, to the Applicant Receiver, at the rate of €1,800.00 per month or proportionate part thereof at the rate of €59.18 per day, unless lawfully varied, together with any other charges 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 them and any other person/s residing therein.

This Order was made by the Residential Tenancies Board on 26 August 2020.

Ciara Cronin

Ciara Cronin

Higher Executive Officer

Duly authorised to sign on behalf of the Director