

Residential Tenancies Board

Determination Order

Ref: DR1220-66684

In the matter of Patrick Leahy [Applicant Landlord] and Tyrone Mc Mahon [Respondent Tenant] the Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:

1. The Notice of Termination served on 26th August 2019 by the Applicant Landlord on the Respondent Tenant in respect of the tenancy of the dwelling at 21 Cluain Droichid, Sixmilebridge, Co. Clare is valid.
2. The Respondent Tenant and any other persons residing in the dwelling shall vacate and give up possession of the above dwelling within 14 days of the expiration of the "Emergency Period" within the meaning of Section 2 of the Residential Tenancies Act 2020 or as extended by Order under Section 31A of the Health Act 1947, or within 14 days of the date of issue of this Order, whichever date is the later.
3. The Respondent Tenant shall pay the total sum of €3419 to the Applicant Landlord, in 6 equal consecutive installments at the rate of €500 per calendar month, on the 28th day of each month, followed by one further installment of €419 in the immediately succeeding month commencing the next month after the issue of the Order. This sum represents rent arrears of €3419 in respect of the tenancy of the above dwelling.
4. The Respondent Tenant shall also pay any further rent outstanding from the date of the hearing, 17 February 2021, at the rate of €750 per month or proportionate part thereof at the rate of €24.66 per day, unless lawfully varied, and any other charges as set out in the terms of the tenancy agreement for each month or part thereof, until such time as he vacates the above dwelling.
5. The enforcement of this Order for such payment of €3419 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 €3419 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 entire of the security deposit of €740 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 16 June 2021.

Ciara Cronin

Ciara Cronin

Higher Executive Officer

Duly authorised to sign on behalf of the Director