

Residential Tenancies Board

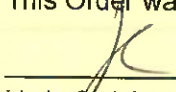
Determination Order

Ref: TR0623-006412/DR0423-84592

In the matter of Rachael Shankland [Appellant Tenant(s)] and Maureen Malone [Respondent Landlord(s)] the Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:

1. The Notice of Termination served by the Applicant Landlord on the Respondent Tenant on 10 March 2023 with a vacate date of 8 April 2023 in respect of the Dwelling at 9 Brennanstown Avenue Cabinteely Dublin 18 is valid.
2. The Respondent Tenant and any other persons residing in the Dwelling shall vacate and give up possession of the Dwelling within 56 days of the date of issue of the Determination Order.
3. The Respondent Tenant shall pay the total sum of €3,975.00 to the Appellant Landlord, in 10 equal consecutive instalments at the rate of €397.50 per calendar month, on the 28th day of each month, commencing the next month after the issue of the Order. This sum represents rent arrears of €3975, in respect of the tenancy of the Dwelling at 9 Brennanstown Avenue Cabinteely Dublin 18.
4. The Respondent Tenant shall also continue to pay any further rent outstanding as it falls due, at the rate of €2100 per month or proportional part thereof at the rate of €69.04 per day ($€2100 \times 12 \text{ months} \div 365 \text{ days}$), 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 she vacates the Dwelling.
5. The enforcement of this Order for such payment of €3975.00 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 €3975 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 €1950 to the Respondent Tenant, upon the Respondent Tenant vacating and giving up vacant possession of the Dwelling and upon full discharge of all rent arrears due, less any amounts properly withheld in accordance with the provisions of the Act.

This Order was made by the Residential Tenancies Board on the 5th of December 2023.


Linda Creighton

Higher Executive Officer

Duly authorised to sign on behalf of the Board