

Residential Tenancies Board

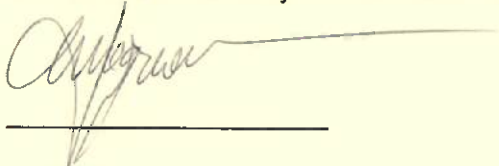
Determination Order

Ref: DR0722-78290/0722-78612

In the matter of Aonghus Morrissey [Applicant/Respondent Tenant] and Shane MacCabe [Respondent/Applicant Landlord], 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 13 June 2022, served by the Respondent/Applicant Landlord on the Applicant/Respondent Tenant, in respect of the tenancy of the dwelling at 30 St. John's Terrace, Sligo, is valid.
2. The Applicant/Respondent Tenant and any other persons residing in the above dwelling shall vacate and give up possession of the above dwelling within 14 days of the date of issue of this Determination Order, in respect of the tenancy of the above dwelling.
3. The Applicant/Respondent Tenant shall pay the total sum of €3,831.23 to the Respondent/Applicant Landlord by way of 6 consecutive instalments at the rate of €600.00 per calendar month, on or before the 28th day of each month, followed by one further instalment of €231.23 on or before the 28th day of the immediately succeeding month, commencing the next month after the date of issue of this Determination Order. This sum represents rent arrears of €3,831.23 in respect of the tenancy of the above dwelling.
4. The Applicant/Respondent Tenant shall continue to pay any further rent outstanding to the Respondent/Applicant Landlord from 10 October 2022, being the date of the Adjudication Hearing, at the rate of €950.00 per month, or proportionate part thereof at the rate of €31.23 per day, 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 Applicant/Respondent Tenant and any other persons residing therein.
5. The enforcement of this Determination Order for such payment of €3,831.23 will be deferred and the total sum owing will be reduced by the cumulative sum paid in monthly instalments, by the Applicant/Respondent Tenant to the Respondent/Applicant Landlord, on each due date, until such time as the total sum of €3,831.23 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 Respondent/Applicant Landlord.
7. The Respondent/Applicant Landlord shall refund the entire of the security deposit of €950.00 to the Applicant/Respondent Tenant, upon the Applicant/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 17 May 2023



Emilia Zagrean

Higher Executive Officer

Duly authorised to sign on behalf of the Director