

## **Residential Tenancies Board**

### **Determination Order**

**Ref: TR0718-003134/DR0518-43462**

In the matter of Search 4 Alpha [Appellant Landlord(s)] and Michael Burns [Respondent Tenant(s)] the Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:

1. The notice of termination dated the 21st April 2018 served by the Appellant Landlord on the Respondent Tenant in respect of the tenancy of the dwelling at 20 Round Gardens, Garters Lane, Dublin is valid.
2. The Respondent Tenant and all other persons residing in the above dwelling shall vacate and give up possession of the above dwelling within 28 days of the date of issue of the Determination Order of the Board.
3. The Respondent Tenant shall pay the total sum of €4,616.67 to the Appellant Landlord in 10 equal consecutive instalments at the rate of €461.67 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 €4,616.67 in respect of the tenancy of the above dwelling.
4. The enforcement of the order for such payment of €4,616.67 will be deferred and the total sum reduced by the cumulative sum paid and the monthly instalments made by the Respondent Tenant to the Appellant Landlord on each due date until such time as the total sum of €4,616.67 has been paid in full.
5. For the avoidance of doubt any default in the payment of any of the monthly instalments or further rent due shall act to cancel any further deferral and the balance due at the date of the default of any monthly payments shall immediately become due and owing to the Appellant Landlord.
6. The Respondent Tenant shall also pay any further rent outstanding from the 25th October 2018 at the rate of €1,400 or proportionate part thereof at the rate of €46.03 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.
7. The Appellant Landlord shall refund the entire of the security deposit of €900 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 20 December 2018.



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Carolyn O'Brien

Higher Executive Officer

Duly authorised to sign on behalf of the Director