

Residential Tenancies Board

Determination Order

Ref: TR1018-003318/DR0918-48033

In the matter of Nasir Khan [Appellant Landlord] and Adriene McCabe [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 by the Appellant Landlord on the Respondent Tenant on 12 February 2018, in respect of the tenancy of the dwelling at 76 Chapel Hill, Lucan, County Dublin, is valid;
2. The Respondent Tenant and all persons residing in the above dwelling shall vacate and give up possession of the dwelling within 7 days of the date of issue of this Order of the Board;
3. The Respondent Tenant shall pay to the Appellant Landlord the total sum of €6,750.80, being rent arrears of €6,750.80 owed up to 8 January 2019 in respect of the tenancy of the above dwelling, by way of eleven monthly instalments of €600 per month, followed by a final instalment of €150.80, payment to be made on or before the 28th day of the month, the first payment to be made in the month following the issue of this Order of the Board;
4. The enforcement of the order for such payment of €6,750.80 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 or before each due date until such time as the total sum of €6,750.80 has been paid in full;
5. For the avoidance of doubt any default in the payment of any of the monthly instalments or any 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 due from 9 January 2019, at the rate of €1,600 per month, or proportionate part thereof at €52.60 per day, unless lawfully varied, and any other charges as set out in the tenancy agreement, until such time as the dwelling is vacated in accordance with paragraph 2 above;

7. The Appellant Landlord shall refund the entirety of the security deposit of €1,600 to the Respondent Tenant on gaining vacant 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 14 February 2019.



Carolyn O'Brien
Higher Executive Officer
Duly authorised to sign on behalf of the Director