

## **Residential Tenancies Board**

### **Determination Order**

**Ref: DR1017-37861**

In the matter of Patrick Mongan, Margaret Mongan [Applicant/Respondent Tenant(s)] and Cluid Housing Association [Respondent/Applicant Landlord(s)] the Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:

1. The Applicant Tenants application regarding invalid Notice of Termination in respect of the tenancy of the dwelling at 97 Oughterany Village, Kilcock, County Kildare is not upheld.
2. The Notice of Termination served on the 18th day of September by the Respondent Landlord on the Applicant Tenant in respect of the tenancy of the above dwelling is valid.
3. The Tenants and all 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 Order.
4. The Tenants shall pay the total sum of €562.52 in two equal consecutive instalments at the rate of €250.00 per calendar month on the 1st day of each month followed by one further instalment of €62.52 in the immediately succeeding month commencing the next month after the issue of the Order. This sum represents rent arrears of €562.52 in respect of the tenancy of the above dwelling.
5. The Tenant shall also pay any further rent outstanding from the 21st November 2017 being the date of the adjudication hearing at the rate of €51.00 per week or proportionate part thereof at the rate of €7.29 per day unless lawfully varied and any other charges set out in the terms of the tenancy agreement for each week or part thereof until such time as the tenants vacate the above dwelling.
6. The enforcement of this Order for such payment of €562.52 will be deferred and the total sum owing reduced by the cumulative sum paid in the monthly instalments made by the Tenants to the Landlord on each due date until such time as the total sum of €562.52 has been paid in full.
7. 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 Landlord.

8. There was no security deposit paid by the tenants.

This Order was made by the Residential Tenancies Board on 18 May 2018.



Tim Ryan  
Board Member

Duly authorised to sign on behalf of the Board



Carolyn O'Brien  
Higher Executive Officer

Duly authorised to sign on behalf of the Board