

Residential Tenancies Board

Determination Order

Ref: TR0119-003445/DR1018-49289

In the matter of Lukasz Kozanecki [Appellant Tenant] and David McInerney [Respondent Landlord] the Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:

1. The Notice of Termination served on the 8th October 2018 by the Respondent Landlord on the Appellant Tenant in respect of the tenancy of the dwelling at 1 Maple House, Applewood Village, Swords, Co. Dublin, K67HX39 is valid.
2. The Respondent Tenant 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 this Order.
3. The Appellant Tenant shall pay the total sum of €7,425 to the Respondent Landlord, by way of 7 consecutive monthly instalments at the rate of €1,000 per month, to be paid on or before the 28th day of each month, followed by one further instalment of €425 to be paid on or before the 28th day of the 8th month, payment commencing in the month immediately following the month of issue of the Order. This sum of €7,425 represents rent arrears in respect of the tenancy of the above dwelling.
4. The enforcement of the Order for such payment of €7,425 will be deferred and the total sum owing will be reduced by the cumulative sum paid in the monthly instalments by the Appellant Tenant to the respondent Landlord, on each due date, until such time as the total sum of €7,425 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 default of any such monthly payment shall immediately become due and owing to the Respondent Landlord.
6. The Appellant Tenant shall also pay any further rent outstanding from the 14th March 2019, being the date of the Tribunal hearing, to the Respondent Landlord, at the rate of €1,350 per month or proportionate part thereof at the rate of €44.38 per day, unless lawfully

varied, together with any other charges provided for under the terms of the tenancy agreement, for each month or part thereof.

7. The Respondent Landlord shall refund the entire of the security deposit of €1,290 to the Appellant Tenant, upon the appellant 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 18 April 2019.



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