

## **Residential Tenancies Board**


### **Determination Order**

**Ref: TR0119-003512/DR1118-49891**

In the matter of Robert Frayne [Appellant Landlord] and Karl Kingidila [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 24 October 2018 in respect of the tenancy of the dwelling at 17 Beaufield Grove, Maynooth, Co. Kildare is valid.
2. The Respondent Tenant and all persons residing in the above dwelling shall vacate and give up possession of the dwelling within seven days of the issue of this Order.
3. The Respondent Tenant shall pay the total sum of €22,050 to the Appellant Landlord, in 22 equal consecutive instalments at the rate of €1,000 per calendar month on the 28th day of each month, followed by one further instalment of €50 in the immediately succeeding month, commencing the next month after the issue of this Order. This sum represents rent arrears of €22,050.
4. The Respondent Tenant shall also pay any further rent outstanding from 1 May 2019, at the rate of €1,200 per month or proportional part thereof at the rate of €39.45 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 the Respondent Tenant vacates the above dwelling.
5. The enforcement of this Order for such payment of €22,050 will be deferred and the total sum owing reduced by the cumulative sum paid in the monthly instalments made by the Respondent Tenant to the Appellant Landlord on each due date until such time as the total sum of €22,050 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 Appellant Landlord.
7. The Appellant Landlord shall refund the entire of the security deposit of €1,150 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 16 May 2019.

A handwritten signature in black ink, consisting of a large, stylized 'C' followed by a horizontal line and a small flourish.

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Carolyn O'Brien

Higher Executive Officer

Duly authorised to sign on behalf of the Director