

## **Residential Tenancies Board**

### **Determination Order**

**Ref: TR0120-004160/DR1019-57956**

In the matter of Sebastian Kleczar, Aneta Kleczar [Appellant Tenants] and Ken Willoughby, Anne Willoughby [Respondent Landlords], 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 17th June 2019 on the Respondent Tenants in respect of their tenancy of the dwelling at Mews 2, Rear of Goldsmith Terrace, Off Eglinton Road, Bray, Co. Wicklow is valid and therefore the Appellant Tenants' tenancy terminated on 16 July 2019.
2. The Appellant Tenants and any other persons residing in the dwelling shall vacate and give up possession of the above dwelling within 28 days of the expiration of the emergency period as defined in section 3 of the Emergency Measures in the Public Interest (Covid - 19) Act 2020 or as extended by order under section 4 of the Emergency Act the Emergency Measures in the Public Interest (Covid -19) Act 2020.
3. The Appellant Tenants shall pay the total sum of €17,552.34 to the Respondent Landlords, in 351 instalments of €50.00 per day commencing on the 28th day of the next month after the issue of this Order, followed by one final instalment of €2.34. This sum represents rent arrears up to the 19 February 2020, in respect of the Appellant Tenants' tenancy of the above Dwelling.
4. The enforcement of this Order for such payment of €17,552.34 will be deferred and the total sum owing reduced by the cumulative sum paid in the weekly instalments made by the Appellant Tenants to the Respondent Landlords on each due date until such time as the total sum of €17,552.34 has been paid in full.
5. For the avoidance of doubt, any default in the payment of any of the weekly 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 Respondent Landlords.
6. The Appellant Tenants shall continue to pay any further rent from 20 February 2020, being the day after the hearing, at the rate of €1,144.00 per month or proportional part thereof at the rate of €37.61 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 Appellant Tenants and any other occupant vacates the dwelling.

7. The Respondent Landlords shall refund the entire of the security deposit of €1,100.00 to the Appellant Tenants, 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 25 June 2020.

A handwritten signature in dark ink, appearing to read 'Geraldine Norton', written over a horizontal line.

**Geraldine Norton**

**Higher Executive Officer**

**Duly authorised to sign on behalf of the Director**