

Residential Tenancies Board

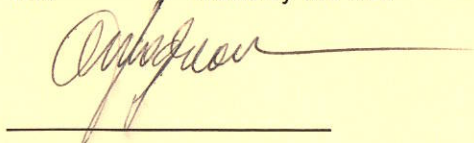
Determination Order

Ref: TR0123-005913/DR0622-77777

In the matter of Kevin Keane [Appellant Landlord] and Piotr Milaszkiwicz [Respondent Tenant], the Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:

1. The Notice of Termination of 17 May 2022 served by the Appellant Landlord on the Respondent Tenant in respect of the tenancy of the Dwelling at 36 Barnwall Court, Balbriggan, County Dublin, K32Y510 is valid.
2. The Respondent Tenant and any other person residing in the above dwelling shall vacate and give up vacant possession of the dwelling within 28 days of the date of issue of this Determination Order.
3. The Respondent Tenant shall pay the Appellant Landlord the sum of €4,352.25 in arrears of rent as of the date of the Tribunal hearing on 11 May 2023 by way of eight consecutive monthly instalments of €500 on or before the 5th day of each month, commencing on the next month following the date of issue of this Determination Order, followed by one final instalment of €352.25.
4. The enforcement of this Determination Order for such payment of €4,352.25 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 €4,352.25 has been paid in full.
5. 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.
6. The Respondent Tenant shall also pay any further rent due from 11 May 2023 at the rate of €1,560 per month or part thereof at the rate of €51.29 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, until such time as the dwelling is vacated by the Respondent Tenant and by any other current occupants.
7. The Appellant Landlord shall refund the entire of the €1,500 security deposit 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 30 August 2023



Emilia Zagrean
Higher Executive Officer
Duly authorised to sign on behalf of the Director