

Residential Tenancies Board

Determination Order

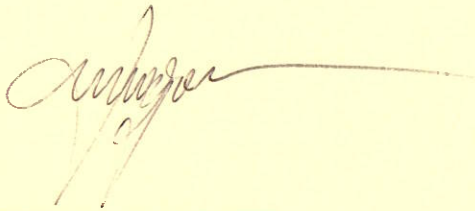
Ref: DR0423-84967/DR0323-83893

In the matter of Francis Carney [Applicant Landlord] and Eamonn Carney [Respondent Tenant] the Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:

1. The Notice of Termination with a date of service of 11th of December 2022, served by the Applicant Landlord on the Respondent Tenant, in respect of the tenancy of the dwelling at 21 St Luke's Crescent, Milltown, Dublin 14, D14K768, is valid.
2. The Respondent Tenant and any other persons residing in the above dwelling shall vacate and give up possession of the above dwelling within 90 days of the date of issue of this Determination Order.
3. The Notice of Termination with a date of service of 16th of March 2023, served by the Applicant Landlord on the Respondent Tenant, in respect of the tenancy of the above dwelling is invalid.
4. The Respondent Tenant shall continue to pay any further rent outstanding to the Applicant Landlord from the 17th of November 2023, being the date of the Adjudication Hearing, at the rate of €1,350 (One thousand three hundred and fifty euro), per month, or proportionate part thereof at the rate of €44.38 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 above dwelling is vacated by the Respondent Tenant and any other persons residing therein. For the avoidance of doubt, I find that there was no deposit.
5. The Respondent Tenant shall pay the total sum of €9,365 (Nine thousand three hundred and sixty-five euro) to the Applicant Landlord, by way of 23 consecutive equal instalments at the rate of €390 per calendar month, on or before the 28th day of each month, followed by one further instalment of €395 on or before the 28th day of the immediately succeeding month, commencing the next month after the issue of this Determination Order. This sum represents rent arrears of €11,850 since the 18th of April 2017, having deducted and set off the sum of €2,485 expended by the Respondent Tenant in the payment of insurance premia, in respect of the tenancy of the above dwelling.
6. The enforcement of this Determination Order for such payment of €9,365 will be deferred and the total sum owing will be reduced by the cumulative sum paid, in monthly instalments, by the Respondent Tenant to the Applicant Landlord, on each due date, until such time as the total sum of €9,365 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 Applicant Landlord.

This Order was made by the Residential Tenancies Board on 8 August 2024.

A handwritten signature in dark ink, appearing to read 'Emilia Zagrean', with a long horizontal flourish extending to the right.

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