

Residential Tenancies Board

Determination Order

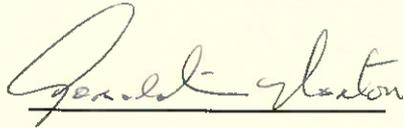
Ref: TR0220-004195/DR1019-57541

In the matter of Kieran Wallace, acting in his capacity as Receiver over certain assets of Robert and Tracey Hannifin [Appellant Landlord], and Bernard Power and Lena Power [Respondent Tenants], 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 15 April 2019 was served by the Appellant Landlord on the Respondent Tenants in respect of the tenancy of the dwelling at 46 Dun Darragh, Longford, Co. Longford and is valid;
2. The Notice of Termination with a date of service of 22 July 2019 was served by the Appellant Landlord on the Respondent Tenants in respect of the tenancy of the dwelling at 46 Dun Darragh, Longford, Co. Longford and is valid;
3. The Respondent Tenants and any other persons residing in the above dwelling shall vacate and give up vacant possession of the above dwelling within 28 days of the issuance of this Determination Order;
4. The Respondent Tenants shall pay the total sum of €10,500 to the Appellant Landlord, in 12 equal consecutive instalments at the rate of €875 per calendar month, on the 28th day of each month, commencing the next month after the date of issue of this Determination Order. This sum represents rent arrears of €10,500 for the period from 10 January 2016 to and including 10 October 2021;
5. The Respondent Tenants shall also pay any further rent outstanding from the 11th of October 2021 (being the date of the hearing), at the rate of €150 per month or proportionate part thereof at the rate of €4.93 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 they vacate the above dwelling.
6. The enforcement of this Determination Order for such payment of €10,500 will be deferred and the total sum owing reduced by the cumulative sum paid in the monthly instalments made by the Respondent Tenants to the Appellant Landlord on each due date until such time as the total sum of €10,500 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 Appellant Landlord.
8. The Appellant Landlord shall refund the entire of any security deposit to the Respondent Tenants, upon the Respondent Tenants vacating and giving up 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 01 December 2021.

A handwritten signature in black 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

