

## **Residential Tenancies Board**


### **Determination Order**

**Ref: TR0223-005951/DR0522-77264**

In the matter of Aine Bergin [Appellant Tenant] and Tom O'Brien (in his capacity as receiver over certain assets of Bryan Cullen, deceased) (Respondent Landlord) 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 March 2022, served by the Respondent Landlord on the Appellant Tenant, in respect of the tenancy of the dwelling at 11 Charleville Square, Rathfarnham, Dublin 14, is valid.
2. The Appellant Tenant and any other persons residing in the above dwelling shall vacate and give up possession of the above dwelling within 14 days of the date of issue of this Determination Order.
3. The Appellant Tenant shall pay the total sum of €60,000 to the Respondent, by way of 30 consecutive instalments at the rate of €2,000 per calendar month, on or before the 28th day of each month, commencing the next month after the issue of this Determination Order. This sum represents rent arrears, in respect of the tenancy of the above dwelling.
4. The Respondent Tenant shall also pay any further rent outstanding from 30 August 2023, being the date of the Tribunal Hearing, at the rate of €2,600 per month or proportionate part thereof at the rate of €85.48 per day, unless lawfully varied, and any other charges as provided for under 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.
5. The enforcement of this Determination Order for such payment of €60,000 will be deferred and the total sum owing will be reduced by the cumulative sum paid, in monthly/weekly instalments, by the Appellant Tenant to the Respondent Landlord, on each due date, until such time as the total sum 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 Respondent Landlord.

This Order was made by the Residential Tenancies Board on 6 December 2023.

  
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Ciara Cronin  
Higher Executive Officer  
Duly authorised to sign on behalf of the Director