

Residential Tenancies Board

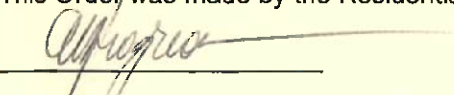
Determination Order

Ref: TR0223-005975/DR1122-81179

In the matter of Graham Harte [Applicant Landlord] and Nader Nemer and Catherine Nemer [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 25 October 2021, served by the Applicant Landlord, in respect of the tenancy of the dwelling at 2 Willan's Avenue, Ongar, Dublin 15, D15R9W4, is valid.
2. The Respondent Tenants and any other persons residing in the above dwelling shall vacate and give up possession of the above dwelling within 21 days of the date of issue of this Determination Order, or by 30 June 2023, whichever date is later.
3. The Respondent Tenants shall pay the total sum of €15,378.60 to the Applicant Landlord, at the rate of 30 payments of €500.00 per month, on or before the 28th day of each month, commencing on the month following the month of the date of issue of this Determination Order, together with a final payment of €378.60, being arrears of rent of €15,878.60, plus damages of €1,500 for overholding on a valid notice and for failing to pay rent, less damages of €2,000 for breach of landlord obligations under the act in respect of the tenancy of the dwelling at 2 Willan's Avenue, Ongar, Dublin 15, D15R9W4.
4. The enforcement of this Determination Order for such payment will be deferred and the sum owing reduced by the number of monthly instalments of €500.00 made to the Applicant Landlord on each due date until such time as the sum of €15,378.60 has been paid in full.
5. For the avoidance of doubt any default in the payment of any of the monthly instalments of €500 or any further rent due shall act to cancel any further deferral and the balance due at the date of default of the monthly payments shall immediately become due and owing to the Applicant Landlord.
6. The Respondent Tenants shall pay rent at the amount of €1,600 per month to the Applicant Landlord or proportionate part thereof 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.
7. The Applicant Landlord shall refund the entire of the security deposit of €1,600 to the Respondent Tenants, upon the Respondent Tenants and all other parties residing in the dwelling 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 10 May 2023.


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