

## Residential Tenancies Board

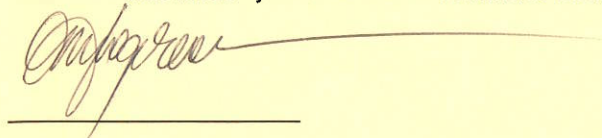
### Determination Order

Ref: TR0223-005998/DR0922-79788

In the matter of Michael Sexton [Applicant Landlord] and Anne Maguire and Josephine Maughan [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 29 September 2020, served by the Applicant Landlord on the Respondent Tenants, in respect of the tenancy of the dwelling at 18 Westlawn, Sarsfield Road, Wilton, Cork, T12YWC8 ("the Dwelling") is valid.
2. The Respondent Tenants and any other persons residing in the above Dwelling shall vacate and give up vacant possession of the Dwelling within 56 days of the date of issue of this Determination Order.
3. The Respondent Tenants shall pay the total sum of €2,587.50 to the Applicant Landlord, by way of 12 consecutive instalments at the rate of €200.00 per calendar month, on or before the 28th day of each month, followed by one further instalment of €187.50 in the immediately succeeding month, commencing the next month after the date of issue of this Determination Order. This sum represents rent arrears of €2,587.50 for the period from 01 September 2022 to 31 May 2023, in respect of the tenancy of the above Dwelling.
4. The enforcement of this Determination Order for such payment of €2,587.50 will be deferred and the total sum owing will be reduced by the cumulative sum paid, in monthly instalments, by the Respondent Tenants to the Applicant Landlord, on each due date, until such time as the total sum of €2,587.50 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 Applicant Landlord.
6. The Respondent Tenants shall continue to pay any further rent outstanding to the Applicant Landlord from 01 June 2023, at the rate of €1,150.00 per month, or proportionate part thereof at the rate of €37.81 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 Dwelling is vacated by the Respondent Tenants and any other persons residing therein.
7. The Applicant Landlord shall refund the security deposit of €750.00 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.
8. The Notice of Termination with a date of service of 29 November 2022, served by the Applicant Landlord on the Respondent Tenant, in respect of the tenancy of the Dwelling is invalid.
9. The Applicant Landlord's claim for damages for breach of section 16 (f) of the Act is not upheld.

This Order was made by the Residential Tenancies Board on 13 September 2023.



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