

## **Residential Tenancies Board**

### **Determination Order**

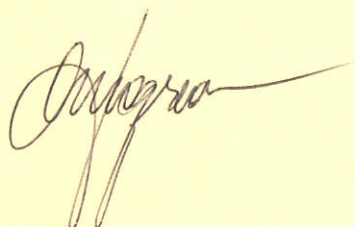
**Ref: TR0223-006016/DR0123-82195**

In the matter of Robert Cumiskey [Applicant Landlord] and Kiera Kenny [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 18 October 2022 served by the Applicant Landlord on the Respondent Tenant, in respect of the tenancy of the dwelling at Apartment 8, Block 5, New Priory, Dublin D13 KC04 ("the Dwelling") is valid.
2. The Respondent Tenant and any other persons residing in the Dwelling shall vacate and give up possession of the Dwelling within 28 days of the date of issue of this Determination Order.
3. The Respondent Tenant shall pay the total sum of €17,116.00 to the Applicant Landlord, by way of 17 consecutive instalments at the rate of €1,000.00 per calendar month, on or before the 28th day of each month, followed by one further instalment of €116.00 in the immediately succeeding month commencing the next month after the issue of this Determination Order. This sum represents rent arrears of €4,748 for the period from 05 December 2019 to 31 May 2023, in respect of the tenancy of the Dwelling and €12,368.00 damages for breach of tenant's obligation pursuant to s.16(d), (f) and (g) of the Act.
4. The Respondent Tenant shall continue to pay any further rent outstanding to the Applicant Landlord from 31 May 2023 being the date of the Tribunal, at the rate of €2,100.00 per month, or proportionate part thereof at the rate of €69.04 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 Tenant and any other persons residing therein.
5. The enforcement of this Determination Order for such payment of €17,116.00 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 €17,116.00 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 Applicant Landlord.

7. The Applicant Landlord shall refund the security deposit of €2,000.00 to the Respondent Tenant, upon the Respondent Tenant vacating and giving up possession of the Dwelling, less any amounts properly withheld in accordance with the provisions of the Act.

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

A handwritten signature in dark ink, appearing to read 'Emilia Zagrean', written over a horizontal line.

Emilia Zagrean

Higher Executive Officer

Duly authorised to sign on behalf of the Director