

## **Residential Tenancies Board**

### **Determination Order**

**Ref: TR0224-007244/DR0124-92065**

In the matter of Xerico Ltd [Appellant Landlord] and Brion Evers [Respondent Tenant] the Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:

1. The Notice of Termination served on the 1st of February 2024 by the Applicant Landlord on the Respondent Tenant in respect of the tenancy of the dwelling at Apartment 19, The Green, Gas Yard Lane, Malahide, Dublin K36FX68 is valid.
2. The Respondent Tenant and all persons residing in the above dwelling shall vacate and give up possession of the above dwelling within 28 days of the date of issue of the Determination Order.
3. The Respondent Tenant shall pay the sum of €9,428.00 to the Applicant Landlord by way of 18 consecutive instalments at the rate of €500.00 per calendar month followed by one final monthly payment of €428.00, on or before the 28th day of each month, commencing the next month after the issue of the Determination Order. The sum of €9,428.00 represents rent arrears due and owing in respect of the tenancy in the said dwelling upto and including the rent payment due on the 1st of May 2024.
4. The enforcement of the Determination Order for such payment of €9,428.00 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 €9,428.00 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 Respondent Landlord.
6. The Respondent Tenant shall continue to pay rent at the rate of €1,928.00 per month or proportionate part thereof at the rate of €63.39 per day from and including the 1st day of June 2024, 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 he vacates and gives up possession of the above dwelling.

This Order was made by the Residential Tenancies Board on 10 July 2024.

A handwritten signature in dark ink, appearing to read 'Emilia Zagrean', written in a cursive style.

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Emilia Zagrean

Higher Executive Officer

Duly authorised to sign on behalf of the Director