

Residential Tenancies Board

Determination Order

Ref: TR0319-003650/DR1218-50918

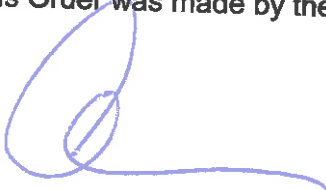
In the matter of Ema Karachodzhkova [Appellant Tenant] and Damien Murphy, Darren Murphy [Respondent Landlords] the Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:

1. The Notice of Termination served on the 1st February 2019 by the Respondent Landlords on the Appellant Tenant in respect of the tenancy of the dwelling at Flat 6, 55 Whitworth Road, Drumcondra, Dublin 9, is valid.
2. The Appellant Tenant and all 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 Order.
3. The Appellant Tenant shall pay the total sum of €6,240 to the Respondent Landlords, in 6 equal consecutive instalments at the rate of €1,000 per calendar month on the 28th day of each month, followed by one further instalment of €240 in the immediately succeeding month, commencing the next month after the issue of this Order. The sum of €6,240 is rent arrears for the period of 1st October 2018 up to and including the 31st May 2019 in respect of the tenancy of the above dwelling.
4. The enforcement of the Order for such payment of €6,240 will be deferred and the total sum owing reduced by the cumulative sum paid in the monthly instalments made by the Appellant Tenant to the Respondent Landlords on each due date until such time as the total sum of €6,240 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 Landlords.
6. The Appellant Tenant shall also pay any further rent outstanding from the 1st June 2019, at the rate of €780 per month or proportional part thereof at the rate of €25.64 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 Appellant Tenant vacates the above dwelling.

7. The Appellant Tenant's claim that the Respondent Landlords have penalised her for making a complaint to a public authority, in respect of the tenancy of the above dwelling is not upheld.

8. The Respondent Landlords shall refund the entire of the security deposit of €780 to the Appellant Tenant, upon the Appellant Tenant vacating the above dwelling, less any amounts properly withheld in accordance with the Act.

This Order was made by the Residential Tenancies Board on 20 June 2019.



Carolyn O'Brien
Higher Executive Officer
Duly authorised to sign on behalf of the Director