

Residential Tenancies Board

Determination Order

Ref: TR0320-004255/DR1219-59401

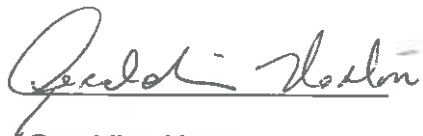
In the matter of Dermot Morrissey [Appellant Landlord] and Ger Clarke, Emer Clarke [Respondent Tenants] the Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:

1. The notice of termination served by the Appellant Landlord on the Respondent Tenants on 23 September 2019, in respect of the tenancy of the dwelling at 12 The Laurels, Dooradoyle, Limerick, is valid;
2. The Respondent Tenants and all persons residing in the above dwelling shall, in the event of a default in payment of any instalment or further rent due as specified in this order, vacate and give up possession of the dwelling within 28 days of the date of such default;
3. The Respondent Tenants shall pay to the Appellant Landlord the total sum of €10,044.79, being rent arrears of €10,044.79 owed up to 19 November 2020 in respect of the tenancy of the above dwelling, by way of instalments in the following amounts, on or before each due date: (a) €200 on or before 20 November 2020; (b) €200 on or before 20 December 2020; (c) €200 on or before 20 January 2021; (d) €200 on or before 20 February 2021; (e) €2,800 on or before 27 March 2021; (f) €3,000 on or before 27 July 2021; (g) €3,444.49 on or before 27 November 2021;
4. The enforcement of this Order will be deferred and the total sum owing reduced by the cumulative sum paid by the Respondent Tenants to the Appellant Landlord on or before each due date until such time as the total sum of €10,044.79 has been paid in full;
5. For the avoidance of doubt any default in the payment of any of the instalments or any further rent due, prior to all arrears being cleared and rent being fully up to date, shall act to cancel any further deferral and the balance due at the date of the default of any payments shall immediately become due and owing to the Appellant Landlord, and the Respondent Tenants shall thereupon be required to vacate the above dwelling in accordance with paragraph 2 above;
6. The Respondent Tenants shall also pay any further rent due from 20 November 2020, at the rate of €1,100 per month, or proportionate part thereof at €36.16 per day (being €1,100 x 12 / 365), unless lawfully varied, along with any other charges as set out in the tenancy agreement, until such time as the dwelling is vacated;

7. The Appellant Landlord shall refund the entirety of the security deposit of €1,100 to the Respondent Tenants on gaining vacant possession of the above dwelling, less any amounts properly withheld in accordance with the provisions of the Act;

8. In the event that the total sum currently due is paid in full, on or before the dates due, and in the event that rent payments are fully up to date, the Appellant Landlord hereby agrees to withdraw the notice of termination of 23 September 2019.

This Order was made by the Residential Tenancies Board on 02 December 2020.

A handwritten signature in black ink, appearing to read 'Geraldine Norton', is written over a horizontal line.

Geraldine Norton

Higher Executive Officer

Duly authorised to sign on behalf of the Director