

## **Residential Tenancies Board**

### **Determination Order**

**Ref: TR0320-004256/DR1219-59353**

In the matter of Daniel Nolan, Michelle Nolan [Appellant Tenants] and Gary Leydon, Sandra Leydon [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 22nd November 2019 in respect of the tenancy between the parties at 16 Cherrywood, Loughlinstown, Co. Dublin, is valid.
2. The Appellant Tenants and any other persons residing in the dwelling shall vacate and give up possession of the above dwelling within 28 days of the date of issue of this Determination Order.
3. The Appellant Tenants shall pay the total sum of €12,600.00 to the Respondent Landlords, in 21 equal consecutive installments at the rate of €600.00 per calendar month, on the 28th day of each month, commencing the next month after the issue of the Order. This sum represents rent arrears of €12,600.00, in respect of the tenancy of the dwelling at 16 Cherrywood, Loughlinstown, Co. Dublin.
4. The enforcement of this Order for such payment of €12,600.00 will be deferred and the total sum owing reduced by the cumulative sum paid in the monthly instalments made by the Appellant Tenants to the Respondent Landlords on each due date until such time as the total sum of €12,600.00 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 Appellant Tenants shall continue to pay rent from 14th July 2020, being the date of the Tribunal hearing, to the Respondent Landlords, at the rate of €1,400.00 per month or proportional part thereof at the rate of €46.03 per day, unless lawfully varied, and any other charges provided for under the terms of the tenancy agreement, for each month or part thereof, until such time as the dwelling is vacated by him and any other occupants.

7. The Respondent Landlords shall refund the entire of the security deposit of €1300.00 to the Appellant Tenants, upon the Appellant Tenants vacating and giving up vacant possession of the above dwelling, less any amounts properly withheld in accordance with the provisions of the Act.

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

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

Geraldine Norton

Higher Executive Officer

Duly authorised to sign on behalf of the Director