

Residential Tenancies Board

Determination Order

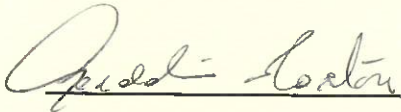
Ref: TR0321-004827/DR1020-65801

In the matter of Sean Carr [Appellant Tenant] and HPEIF ICAV [Respondent Landlord] the Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:

1. The Notice of rent review served on the 10 September 2020 by the Respondent Landlord on the Appellant Tenant in respect of the tenancy of the dwelling at Apartment 217, The Sancton Wood Building Block 9D, Heuston South Quarter, Dublin 8, D08VY09 is valid.
2. The Notice of Termination served on the 24 September 2020 by the Respondent Landlord on the Appellant Tenant in respect of the above tenancy is valid.
3. The Appellant Tenant and all persons residing in the above dwelling shall vacate and give up vacant possession of the above dwelling within 30 days of the date of issue of this Determination Order.
4. The Appellant Tenant shall pay the total sum of €32,225.67 to the Respondent Landlord, in 12 equal consecutive instalments at the rate of €2,500 per calendar month on 1st day of each month, followed by one further instalment of €2,225.67 in the immediately succeeding month, commencing the next month after the date of issue of this Determination Order. This sum represents rent arrears in respect of the above tenancy.
5. The Appellant Tenant shall also pay rent from 23 August 2021, being the date of the Tribunal hearing, to the Respondent Landlord at the rate of €1,820 per month or proportionate part thereof, 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 the above dwelling.
6. The enforcement of this Determination Order for such payment €32,225.67 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 Landlord on each due date until such time as the total sum of €32,225.67 has been paid in full.
7. 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.

8. The Respondent Landlord shall refund the entire of the security deposit of €1,550 to the Appellant Tenant, upon the Appellant Tenant 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 10 November 2021.

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