

Residential Tenancies Board

Determination Order

Ref: TR0321-004831/DR1120-66420

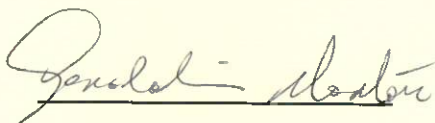
In the matter of Emmet Stokes [Appellant Tenant] and John McGarrell [Respondent Landlord], the Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:

1. The Notice of Termination with a date of service of 8 December 2020 served by the Respondent Landlord on the Appellant Tenant in respect of the tenancy of the dwelling at Apartment 2, 74 Waterloo Road, Ballsbridge, Dublin 4, D04TP62, is valid.
2. The Appellant Tenant and all persons residing in the above Dwelling shall vacate and give up possession of the Dwelling within 21 days of the date of issue of this Determination Order.
3. The Respondent Landlord shall refund the entire of the security deposit of €2,100.00 to the Appellant Tenant, upon the Appellant Tenant vacating and giving up possession of the above Dwelling, less any amounts properly withheld in accordance with the provisions of the Act.
4. The Appellant Tenant shall pay the total sum of €4,000.00 to the Respondent Landlord by way of 4 consecutive instalments at the rate of €1000.00 per calendar month on or before the 28th day of each month, commencing from the month that follows the date of issue of this Determination Order. This sum represents arrears of rent in the amount of €4,000.00.
5. The enforcement of this Determination Order for such payment of €4000.00 will be deferred and the total sum owing will be reduced by the cumulative sum paid, in monthly instalments, by the Appellant Tenant to the Respondent Landlord on each due date, until such time as the total sum of €4,000.00 has been paid in full.
6. 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.
7. The Rent Review Notice served by the Respondent Landlord on the Appellant Tenant in relation to a dwelling at Apartment 2, 74 Waterloo Road, Ballsbridge, Dublin 4, D04TP62 on the 16 November 2020, is invalid.

8. The current lawful rent in respect of the tenancy of the dwelling as aforesaid is €1,700.00 per month. The Appellant Tenants shall pay any further rent from 28 June, being the date following the last Tribunal hearing, at the rate of €1,700.00 per month or proportionate part thereof at the rate of €55.89 day, unless lawfully varied, and any other charges as provided for under the terms of the tenancy agreement for each month or part thereof, until such time as the above dwelling is vacated by the Appellant Tenant and any other persons residing therein.

9. The Rent Review Notice served by the Appellant Tenant on the Respondent Landlord on the 31 October 2020 in relation to Apartment 2, 74 Waterloo Road, Ballsbridge, Dublin 4, D04TP62 is invalid.

This Order was made by the Residential Tenancies Board on 18 August 2021.

A handwritten signature in dark 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

