

Residential Tenancies Board

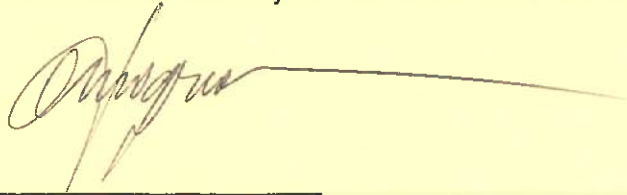
Determination Order

Ref: TR0323-006076/DR0123-82310

In the matter of John Miller [Applicant Landlord] and Adam Fahy and Katie Fitzpatrick [Respondent Tenants], the Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, as amended, determines that:

1. The Notice of Termination served by the Applicant Landlord on 8 December 2022 on the Respondent Tenants, in respect of the tenancy of the dwelling at 19 The Anchorage, Wicklow Town, Co. Wicklow, A67A907, is valid.
2. The Respondent Tenants and all persons residing in the above dwelling shall vacate and give up vacant possession of the above dwelling within 21 days of the date of issue of this Determination Order.
3. The Respondent Tenants shall pay the total sum of €9,116.00 to the Applicant Landlord, in 11 equal consecutive instalments at the rate of €800 per calendar month on the 28th day of each month, followed by one further instalment of €316.00 in the immediately succeeding month, commencing the next month after the date of issue of this Determination Order. This sum represents rent arrears of €9,116.00 in respect of the tenancy of the dwelling at 19 The Anchorage, Wicklow Town, Co. Wicklow, A67A907.
4. The enforcement of the Determination Order for such payment of €9,116.00 will be deferred and the total sum owing reduced by the cumulative sum paid in the monthly instalments made by the Respondent Tenants to the Applicant Landlord on each due date until such time as the total sum of €9,116.00 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 Applicant Landlord.
6. The Respondent Tenants shall also pay any further rent outstanding from the date of the Tribunal hearing, being 19 June 2023, to the Applicant Landlord at the rate of €916.00 per month unless lawfully varied, and any other charges as properly due for each month or part thereof, until such time as they vacate and give up possession of the above dwelling.
7. The Applicant Landlord shall refund the entire of the security deposit of €916.00 to the Respondent Tenants, upon the Respondent 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 13 September 2023.



Emilia Zagrean
Higher Executive Officer
Duly authorised to sign on behalf of the Director