

Residential Tenancies Board

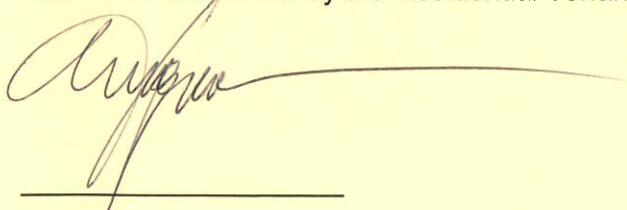
Determination Order

Ref: TR0323-006080/DR0123-82259

In the matter of Mary Nyland [Applicant Landlord] and Donna Conway [Respondent Tenant] 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 28 July 2022 served by the Applicant Landlord on the Respondent Tenant, in respect of the tenancy of the dwelling at 5 Riverside, Lower Charles Street, Castlebar, Co. Mayo F23 CD89 ("the Dwelling") is valid.
2. The Notice of Termination with a date of service of 25 October 2022 served by the Applicant Landlord on the Respondent Tenant, in respect of the tenancy of the Dwelling is valid.
3. The Respondent Tenant and any other persons residing in the Dwelling shall vacate and give up vacant possession of the Dwelling within 28 days of the date of issue of this Determination Order.
4. The Respondent Tenant shall pay the total sum of €7,560.00 to the Applicant Landlord, by way of 25 consecutive instalments at the rate of €300 per calendar month followed by one further instalment of €60.00 on or before the 28th day of the immediately succeeding month, commencing the next month after the date of issue of this Determination Order. This sum represents rent arrears of €7,560.00 in respect of the tenancy of the Dwelling for the period from 28.07.22 to 10.08.23.
5. The Respondent Tenant shall continue to pay any further rent outstanding to the Applicant Landlord from 10 August 2023 being the date of the Tribunal hearing, at the rate of €140.00 per week, or proportionate part thereof at the rate of €20.00 per day, unless lawfully varied, and any other charges as set out in the terms of the tenancy agreement, for each week or part thereof, until such time as the Dwelling is vacated by the Respondent Tenant and any other persons residing therein.
6. The enforcement of this Determination Order for such payment of €7,560.00 will be deferred and the total sum owing will be reduced by the cumulative sum paid, in monthly instalments, by the Respondent Tenant to the Applicant Landlord, on each due date, until such time as the total sum of €7,560.00 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 Applicant Landlord.
8. The Applicant Landlord shall refund the security deposit of €560.00 to the Respondent Tenant, upon the Respondent Tenant vacating and giving up vacant possession of the Dwelling, less any amounts properly withheld in accordance with the provisions of the Act.

This Order was made by the Residential Tenancies Board on 8 November 2023.



Emilia Zagrean

Higher Executive Officer

Duly authorised to sign on behalf of the Director