

Residential Tenancies Board

Determination Order

Ref: TR0418-002935/DR0917-37190

In the matter of Carmel Edel Donnolly [Appellant Tenant(s)] and Patrick O'Keeffe [Respondent Landlord(s)] the Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:

1 The Notice of Termination served on the 19th December 2017 by the Respondent Landlord on the Appellant Tenant is valid.

2 The Appellant Tenant and all persons residing in the above dwelling shall vacate and give up possession of the dwelling within 28 days of the date of issue of this Determination Order.

3 The Appellant Tenant shall pay the sum of €1,800 in three monthly instalments of €600 per month on the 1st. day of each month commencing the next month after the issue of this Order. This sum represents rent arrears in respect of the tenancy of the dwelling at 21 Riverchapel Court, Courtown Gorey Wexford.

4. The enforcement of this Order for such payment of €1,800 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 €1,800 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 Tenant shall pay any rent outstanding to the Respondent Landlord at the rate of €600 per month or proportionate part thereof at the rate of €19.72 per day, 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 times as the above dwelling is vacated by the Appellant Tenant and all persons residing there.

7. The Respondent Landlord shall refund the entire of the security deposit of €500 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.

8. The Appellant Tenant's application regarding Landlord's breach of section 12(1) (a) and section 12 (1) (b) (ii) of the Act and of standards and Maintenance of the Housing (Miscellaneous Provisions) Act 21992 is not upheld.

This Order was made by the Residential Tenancies Board on the 4th October 2018.

A handwritten signature in black ink, consisting of a large loop followed by a horizontal stroke.

Carolyn O'Brien

Higher Executive Officer

Duly authorised to sign on behalf of the Director