

Residential Tenancies Board

Determination Order

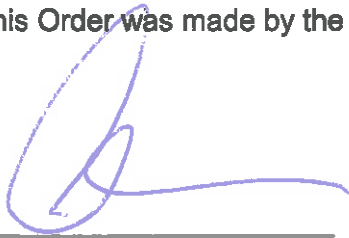
Ref: TR0419-003658/DR0119-51283

In the matter of Laura Johnson [Appellant Tenant] and Morston Property Company [Respondent Landlord] 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 3rd December 2018, by the Respondent Landlord on the Appellant Tenant, in respect of the tenancy of the dwelling at 8 Auburn Park, Auburn Avenue, Castleknock, Dublin 15, is valid.
2. The Appellant Tenant, and any other persons residing in the above dwelling, shall vacate and give up possession of the dwelling within 35 days of the date of issue of this Order.
3. The Appellant Tenant shall pay the total sum of €9,595 to the Respondent Landlord, by way of 10 consecutive monthly instalments at the rate of €959.50 per month, to be paid on or before the 28th day of each month, payment commencing in the month immediately following the month of issue of this Order. This sum represents rent arrears of €9,595 in respect of the tenancy of the dwelling at the above address.
4. The enforcement of the Order for such payment of €9,595.00 will be deferred and the total sum owing will be reduced by the cumulative sum paid in the monthly instalments by the Appellant Tenant to the Respondent Landlord, on each due date, until such time as the total sum of €9,595.00 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 Respondent Landlord.
6. The Appellant Tenant shall also pay any further rent outstanding from 20th June 2019, being the date of the Tribunal hearing, to the Respondent Landlord, at the rate of €1,355 per month or proportional part thereof at the rate of €44.55 per day, unless lawfully varied, together with any other charges provided for under the terms of the tenancy agreement, for each month or part thereof, until such time as she vacates the above dwelling.

7. The Respondent Landlord shall refund the entire of the security deposit of €1,150 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.

This Order was made by the Residential Tenancies Board on 22 July 2019.



Carolyn O'Brien

Higher Executive Officer

Duly authorised to sign on behalf of the Director