

## **Residential Tenancies Board**

### **Determination Order**

**Ref: TR0420-004306/DR0120-59974**

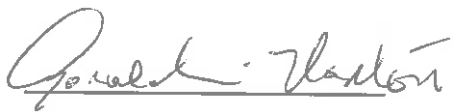
In the matter of Gerard Martin [Appellant Landlord] and Ciaran O'Feargail, Fintan Farrell [Respondent Tenants] the Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:

1. The Notice of Termination served by the Appellant Landlord on the Respondent Tenants on 12 December 2019, in respect of the tenancy of the dwelling at 16 Castle Heights, Dundalk, Co. Louth, A91 C53V, is valid;
2. Pursuant to the Residential Tenancies Act 2020 the Respondent Tenants and any other persons residing in the dwelling shall not be required to vacate the dwelling during an emergency period as defined in section 2 of the Residential Tenancies Act 2020 or as extended by order under section 31A of the Health Act 1947. The Respondent Tenants and any other persons residing in the dwelling shall vacate and give up possession the dwelling within 10 days of the date of issue of this Determination Order, or within 10 days of the expiration of any emergency period in being when the Determination Order is issued, whichever is the later.
3. The Respondent Tenants shall pay the total sum of €11,361.68 to the Appellant Landlord, in five equal consecutive instalments of €2,000 per calendar month, each payment to be made on or before the 21st day of each month, followed by one further instalment of €1,361.68 in the immediately succeeding month, the first payment to be made in the month immediately following the month of issue of this Determination Order. This sum represents rent arrears of €11,361.68, in respect of the tenancy of the dwelling at 16 Castle Heights, Dundalk, Co. Louth A91 C53V.
4. The enforcement of this Order will be deferred and the total sum owing reduced by the cumulative sum paid by the Respondent Tenants to the Appellant Landlord on or before each due date until such time as the total sum of €11,361.68 has been paid in full;
5. For the avoidance of doubt, any default in the payment of any of the monthly instalments or any further rent due, on or before the 21st day of such month, 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 Appellant Landlord.

6. The Respondent Tenants shall also pay any further rent due from 1 December 2020, at the rate of €1,000 per month, or proportionate part thereof at €32.88 per day (being €1,000 x 12 / 365), unless lawfully varied, along with any other charges as set out in the tenancy agreement, until such time as the dwelling is vacated;

7. The Appellant Landlord shall refund the entirety of the security deposit of €1,000 to the Respondent Tenants on gaining 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 16 December 2020.

A handwritten signature in black ink, appearing to read 'Geraldine Norton', written over a horizontal line.

**Geraldine Norton**

**Higher Executive Officer**

**Duly authorised to sign on behalf of the Director**