

## **Residential Tenancies Board**


### **Determination Order**

**Ref: TR0518-002941/DR0218-41355**

In the matter of Linsey Cant, Brian O'Mahony [Appellant Tenants] and Targeted Investment Opportunities ICAV [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 15 December, 2017 by the Agent for the Respondent Landlord on the Appellant Tenant in respect of the tenancy of the dwelling at 1 Holiday Home, Polini, Furbo, Co. Galway is valid.
2. The Appellant Tenant and all persons residing in the above dwelling shall vacate and give up possession of the above dwelling within 28 days of the date of issue of this Determination Order.
3. The Appellant Tenant shall pay the total sum of €5,000 to the Respondent Landlord, in ten equal consecutive installments at the rate of €500.00 per calendar month, on the 28th day of each month in the immediately succeeding month commencing the next month after the issue of this Order. This sum represents rent arrears of €5,000, in respect of the tenancy of the dwelling at 1 Holiday Home, Polini, Furbo, Co. Galway;
4. The Appellant Tenant shall also pay any further rent outstanding from 2 July 2018, at the rate of €1,000 per month or proportionate part thereof at the rate of €32.88 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 time as she vacates the dwelling.
5. The enforcement of this Order for such payment of €5,000 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 €5,000 has been paid in full.
6. 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.
7. The Respondent Landlord shall refund the entire of the security deposit of €750 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 Residential Tenancies Act.

This Order was made by the Residential Tenancies Board on the 28 September 2018.



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Carolyn O'Brien

Higher Executive Officer

Duly authorised to sign on behalf of the Director