

Residential Tenancies Board

Determination Order

Ref: TR0519-003719/DR1018-49009

In the matter of Kieran Wallace and Cormac O'Connor, Receivers over certain assets of Francis Davey [Appellant Landlords] and Daniel O'Leary [Respondent Tenant] the Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:

1. The Notice of Termination served on 26 June, 2018 by the Appellant Landlords on the Respondent Tenant, in respect of the tenancy of the dwelling at 355 Blackhorse Ave, Inchicore, Dublin 7 is valid.
2. The Respondent Tenant, and any other persons residing in the above dwelling, shall vacate and give up possession of the dwelling within 42 days of the date of issue of this Order.
3. The Respondent Tenant shall pay the total sum of €20,000 to the Appellant Landlords, by way of 10 consecutive monthly instalments at the rate of €2000 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 €20,000 in respect of the tenancy of the dwelling at the above address.
4. The enforcement of the Order for such payment of €20,000 will be deferred and the total sum owing will be reduced by the cumulative sum paid in the monthly instalments by the Respondent Tenant to the Appellant Landlords, on each due date, until such time as the total sum of €20,000 has been paid in full.
5. For the avoidance of doubt, any default in the payment of any of the monthly instalments or further rent due shall act to cancel any further deferral and the balance due at the date of default of any such payment shall immediately become due and owing to the Appellant Landlords.
6. The Respondent Tenant shall also pay any further rent outstanding from 17 June 2019, being the date of the Tribunal hearing, to the Appellant Landlords, at the rate of €390 per month or proportional part thereof at the rate of €12.82 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 he vacates the above dwelling.

This Order was made by the Residential Tenancies Board on 12 July 2019.



Carolyn O'Brien
Higher Executive Officer
Duly authorised to sign on behalf of the Director