

Residential Tenancies Board

Determination Order

Ref: TR0617-002382/DR0417-33467

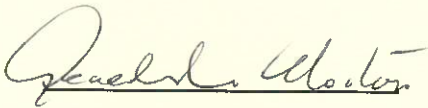
In the matter of David Lawlor [Appellant Tenant] and Tuath Housing Association [Respondent Landlord] the Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:

In respect of the tenancy of the dwelling at Apartment 82 Rochdale, Claremont Avenue, Honey Park, Dun Laoghaire, Co. Dublin, A96 N276, the parties agree, in full and final settlement of the above-referenced dispute between them:

1. That the rent payable under the tenancy of the above dwelling is currently validly set at €26.88 per week, as and from 1 January 2021, along with a service charge of €17.50 per week, giving a total amount payable of €44.38 per week, unless lawfully varied;
2. That the service charge of €17.50 per week is and has been validly payable under the tenancy;
3. That the current amount of rent and service charge arrears ("arrears") as of the date of the Tribunal hearing of 19 February 2021 is €6,980;
4. That the Appellant Tenant shall pay the sum of €74.38 per week (being the rent and service charge of €44.38 per week, plus €30 per week towards the arrears), until such time as the total amount of the arrears of €6,980 has been paid, the first payment of €74.38 to be made on or before 1 March 2021, and such payments to be made weekly thereafter;
5. That the notice of termination served on 13 September 2016, in respect of the above tenancy, is valid but enforcement of that notice shall be stayed in accordance with the terms of this agreement;
6. That provided the payment plan as specified under paragraph 4 of this agreement continues to be complied with up to and including 1 June 2021, the Respondent Landlord shall withdraw the notice of termination on that date and it shall be of no effect in any respect beyond 1 June 2021;
7. That in the event of any default under paragraph 4 of this agreement before 1 June 2021, the notice of termination shall be valid and the Appellant Tenant shall vacate and give up possession of the above dwelling within 28 days of the date of such default;

8. That the enforcement of this Order for the payment of arrears will be deferred and the total sum owing reduced by the cumulative sum paid by the Appellant Tenant to the Respondent Landlord on or before each due date until such time as the total sum of €6,980 has been paid in full;
9. For the avoidance of doubt, any default in the payment of any of the instalments or any further rent due at any stage, whether prior to, on or after 1 June 2021, prior to all arrears being cleared and rent being fully up to date, shall act to cancel any further deferral and the balance due at the date of the default of any payments shall immediately become due and owing to the Respondent Landlord.

This Order was made by the Residential Tenancies Act on 03 March 2021.

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

Geraldine Norton
Higher Executive Officer
Duly authorised to sign on behalf of the Director