

## **Residential Tenancies Board**

### **Determination Order**

**Ref: TR0618-003006/DR0418-42482**

In the matter of Madisema Bridgette Mphasne [Appellant Tenant(s)] and Mari Wall, Michael Wall [Respondent Landlord(s)] the Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:

1. The notice of termination served on 13 February 2018, on behalf of the respondent landlords, on the appellant tenant, in respect of the tenancy of the dwelling at 17 Millbrook Lawn, Midleton, County Cork 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 28 days of the date of issue of this Order.
3. The appellant tenant shall pay the sum of €4,843.14 to the respondent landlords, by way of monthly payments of €300, on or before the 28th day of each month, with a final payment of €43.14 on or before the 28th day of the following month, payment commencing in the month immediately following the month of issue of this Order. This sum constitutes accumulated rent arrears of €4,843.14 in respect of the tenancy of the above dwelling, up to and including the date of hearing.
4. The enforcement of the determination order for such payment of €4,843.14 shall be deferred and the total sum owing reduced by the cumulative sum paid in the monthly instalments by the appellant tenant to the respondent landlords, on or before each due date, until the sum of €4,843.14 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 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 landlords.
6. The appellant tenant shall also pay any further rent outstanding from 19 September 2018, being the date of the Tribunal hearing, to the respondent landlords, at the rate of €950 per month or proportional part thereof at the rate of €31.23 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 above dwelling.
7. The respondent landlords shall refund the entire of the security deposit of €725 to the appellant tenant, 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 17 October 2018.

A handwritten signature in blue ink, consisting of a large, stylized 'C' followed by a horizontal line and a small flourish.

Carolyn O'Brien

Higher Executive Officer

Duly authorised to sign on behalf of the Director