

Residential Tenancies Board

Determination Order

Ref: TR0618-003024/DR0418-42578

In the matter of Saoirse Monaghan [Appellant Tenant(s)] and Richard Ashcroft [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 September 2017, by the Respondent Landlords on the Appellant Tenant, in respect of the tenancy of the dwelling at 220 Carnlough Road, Cabra West, Dublin 7, is valid.
2. The Appellant Tenant, and all 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 Appellant Tenant shall pay the total sum of €12,000.00 to the Respondent Landlords, by way of 12 consecutive monthly instalments at the rate of €1,000.00 per month, payable on the 1st day of each month, payment commencing on the 1st day of the month immediately following the month of issue of this Order. This sum represents rent arrears of €12,000.00 in respect of the tenancy of the above dwelling upto and including the monthly rent payment of €1,000.00 due on the 4 September 2018.
4. The enforcement of the Order for such payment of €12,000.00 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 each due date, until such time as the total sum of €12,000.00 has been paid in full.
5. 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 Landlords.
6. The Respondent Tenant shall also pay any further rent outstanding from and including the 4 October 2018, to the Respondent Landlords, at the rate of €1,000.00 per month or proportional 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 and all other occupants vacate the above dwelling.
7. The Respondent Landlords shall refund the entire of the security deposit of €1,100.00 to the Appellant Tenant, upon the Appellant Tenant vacating and giving up 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 26 October 2018.



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