

Residential Tenancies Board

Determination Order

Ref: TR0618-003025/DR0318-42315

In the matter of Brian Tonge [Applicant Landlord(s)] and Helen Turner, Patrick Fitzgerald [Respondent Tenant(s)] and the Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:

1. The Notice of Termination served on 16 February 2018, by the Applicant Landlord on the Respondent Tenants, in respect of the tenancy of the dwelling at 5 Rockview, Deerpark Road, Cashel, County Tipperary, is valid.
2. The Respondent Tenants and all persons residing in the above dwelling shall vacate and give up possession of the dwelling within 7 days of the date of issue of this Order.
3. The Respondent Tenants shall pay the total sum of €4,644.00 to the Applicant Landlord, by way of 30 consecutive weekly instalments at the rate of €150.00 per week, payable on the Monday of each week, followed by one further instalment of €144.00 payable on the Monday of the 31st week, payment commencing on the 1st Monday after the date of issue of this Order. This sum represents rent arrears of €4,644.00 in respect of the said tenancy.
4. The enforcement of this Order for such payment of €4,644.00 will be deferred and the total sum owing reduced by the cumulative sum paid in the weekly instalments by the Respondent Tenants to the Applicant Landlord, each Monday, until such time as the total sum of €4,644.00 has been paid in full.
5. For the avoidance of doubt, any default in the payment of any of the weekly instalments shall act to cancel any further deferral and the balance due at the date of default of any such weekly payment shall immediately become due and owing to the Applicant Landlord.
6. The Respondent Tenants shall also pay any further rent outstanding from Monday, 14 May 2018, the date of the hearing, to the Applicant Landlord, at the rate of €155.00 per week or proportionate part thereof at the rate of €22.14 per day, unless lawfully

varied, and any other charges as set out in the terms of the tenancy agreement for each week or part thereof, until such time as they vacate the above dwelling.

7. The Applicant Landlord shall refund the entire of the security deposit of €550.00 to the Respondent Tenants upon the Respondent Tenants 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