

Residential Tenancies Board

Determination Order

Ref: TR0618-003030/DR0418-42949

In the matter of Inge Mariken Bartels Klein, Hendrik Jan Bartels [Appellant Tenant(s)] and Sarah Comiskey [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 by the respondent landlord on 20 March 2018 on the appellant tenants in respect of the tenancy of the dwelling at Ballin na Trá, Blackrock, County Louth is valid.
2. The appellant tenants and all persons residing in the above dwelling shall vacate and give up possession of the above dwelling within 14 days of the date of issue of this Order.
3. The appellant tenants shall pay the total sum of €3,990.16 to the respondent landlord, in equal consecutive instalments at the rate of €500.00 per calendar month, on or before the 28th day of each month, followed by one further instalment of €490.16 in the immediately succeeding month, the first payment to be made the next month after the issue of the order of the Board. This sum represents rent arrears of €4,230.16, in breach of the appellant tenants' obligations pursuant to section 16(a) of the Residential Tenancies Act, in respect of the tenancy of the above dwelling, having offset the sum of €240 in respect of vouched repairs.
4. The enforcement of this order for such payment of €3,990.16 will be deferred and the total sum owing reduced by the cumulative sum paid in the monthly instalments made by the appellant tenants to the respondent landlord on or before each due date until such time as the total sum of €3,990.16 has been paid in full.
5. The appellant tenants shall also pay any further rent outstanding from 11 July 2018

(date of the hearing) to the respondent landlord at the rate of €1,000 per month or proportionate 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 they vacate the above dwelling.

6. The respondent landlord shall refund the entire of the security deposit of €1,000 to the appellant tenants, upon the appellant tenants vacating and giving up vacant possession of the above dwelling, less any amounts properly withheld in accordance with the provisions of the Act.

7. For the avoidance of doubt, any default in the payment of any of the monthly instalments or further rent due, by the 28th day of such month, 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 appellant landlord.

This Order was made by the Residential Tenancies Board on the 4th October 2018.

A handwritten signature in black ink, appearing to be 'Carolyn O'Brien', written over a horizontal line.

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