

Residential Tenancies Board

Determination Order

Ref: TR0618-003061/DR0218-41398

In the matter of Sharon Long [Appellant Tenant(s)] and James Morrissey [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 the 11 September, 2017 on the Appellant tenant is valid in respect of the tenancy at the dwelling at 43 Thorndale Estate, Dublin Hill, Cork City, Cork.
2. The Appellant tenant and all persons residing in the above dwelling shall vacate and give up possession of the above dwelling within 14 days of the issue of this Order.
3. The Respondent tenant shall pay the total sum of € 3,503.15 to the Respondent Landlord, in 10 consecutive instalments at the rate of 350.31 per calendar month on the 28th day of each month commencing the next month after the issue of this Order. This sum represents rent arrears of €3,503.15 in respect of the tenancy at the above dwelling.
4. The Appellant Tenant shall also pay any further rent outstanding from the 17 September 2018, being the date of the appeal hearing herein, at the rate of €750 per month or proportionate part thereof at the rate of €24.66 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 the Appellant tenant vacates the above dwelling.
5. The enforcement of this Order for such payment of €3,503.15 will be deferred and the total sum owing reduced by the cumulative sum paid in the monthly instalments made by the Appellant tenant to the Respondent Landlord on each due date until the total sum of €3,503.15 has been paid in full.
6. 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 Landlord.
7. The Respondent Landlord shall refund the Appellant Tenants security deposit of 700.00 upon her 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 17 October 2018.



Carolyn O'Brien

Higher Executive Officer

Duly authorised to sign on behalf of the Director