

Residential Tenancies Board

Determination Order

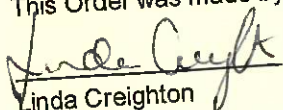
Ref: TR0622-005511/DR0222-75717

In the matter of Isobel Tighe [Appellant Landlord] and Bright Martey [Respondent Tenant], the Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:

1. The Notice of Termination dated 9 February 2022, served by the Appellant Landlord on the Respondent Tenant, in respect of the tenancy of the dwelling at Apartment 132, The Peninsula, Alexandra Walk, Clane, County Kildare, is valid.
2. The Respondent Tenant and any other persons residing in the above dwelling shall vacate and give up vacant possession of the above dwelling within 28 days of the date of issue of this Determination Order.
3. The Respondent Tenant shall pay the total sum of €13,150.00 to the Appellant Landlord, in 10 equal consecutive instalments at the rate of €1,315.00 per calendar month, on the 28th day of each month, commencing the next month after the date of issue of this Determination Order. This sum represents rent arrears of €12,150.00 up to and including the date of 16 August 2022, in respect of the tenancy of the dwelling at Apartment 132, The Peninsula, Alexandra Walk, Clane, County Kildare, together with damages of €1,000.00 for breach of the Tenant's obligations pursuant to section 16(a).
4. The Respondent Tenant shall also pay any further rent outstanding from the 17th of August, 2022, at the rate of €1,350.00 per month or proportionate part thereof at the rate of €44.38 per day (monthly rent of €1350 X 12 months divided by 365 days = €44.38), 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 above dwelling is vacated by the Respondent Tenant and any other persons residing therein.
5. The enforcement of this Determination Order for such payment of €13,150.00 will be deferred and the total sum owing reduced by the cumulative sum paid in the monthly instalments made by the Respondent Tenant to the Appellant Landlord on each due date until such time as the total sum of €13,150.00 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 Appellant Landlord.
7. The Appellant Landlord shall refund the entire of the security deposit of €1350.00 to the Respondent Tenant, upon the Respondent Tenant vacating and giving up vacant possession of the above dwelling and upon full discharge of all rent arrears due, less any amounts properly withheld in accordance with the provisions of the Act.

The Tribunal hereby notifies the Residential Tenancies Board of this Determination made on this 25th day of August 2022.

This Order was made by the Residential Tenancies Board on 14 September 2022.


Linda Creighton

Higher Executive Officer

Duly authorised to sign on behalf of the Director