

Residential Tenancies Board

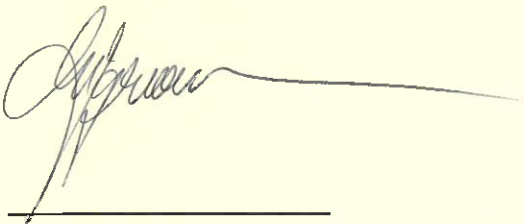
Determination Order

Ref: TR0622-005552/DR1121-73959

In the matter of Stephen Downey [Applicant/Respondent Personal Representative] and Sarah Donoghue and Keith Elliott [Respondent/Applicant Tenants], the Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:

1. The Notice of Termination served on the 2nd December 2021, by the Applicant/Respondent Personal Representative, on the Respondent/Applicant Tenants, in respect of the tenancy of the dwelling at Grangeboyne, Kilmessan, Co. Meath, C15EV66, is valid.
- 2 The Respondent/Applicant Tenants and any persons residing in the above dwelling shall vacate and give up possession of the above dwelling within 14 days of the issue of this Determination Order.
3. The Respondent/Applicant Tenants shall pay the total sum of €23,500 to the Applicant/Respondent Personal Representative, in 47 consecutive monthly payments of €500 on the 28th day of each month, commencing the next month after the issue of this Determination Order, being rent arrears of €24,000 less €500 in damages for breach of Landlord Obligations, in respect of the tenancy of the above dwelling.
4. The enforcement of this Order for such payment of €23,500 shall be deferred and the total sum owing reduced by the cumulative sum paid in the monthly instalments made by the Respondent/Applicant Tenants to the Applicant/Respondent Personal Representative on each due date until such time as the total sum of €23,500 has been paid in full.
5. For the avoidance of doubt, any default in the payment 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 Applicant/Respondent Personal Representative.
- 6 The Respondent/Applicant Tenants shall pay any rent outstanding from the 2nd March 2022, being the date of the decision, at the rate of €1,000 per month and/or €32.88 per day, unless lawfully varied, and any other charges as set out in the terms of the tenancy agreement for each month/day or part thereof, until such time as they vacate the above dwelling.
7. The Applicant/Respondent Personal Representative shall refund the entire of the security deposit of €1,000 to the Respondent/Applicant Tenants, on gaining 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 30 November 2022.



Emilia Zagrean
Higher Executive Officer
Duly authorised to sign on behalf of the Director