

## **Residential Tenancies Board**

### **Determination Order**

**Ref: TR0718-003086/DR0418-42507**

In the matter of Mark O'Brien [Appellant Tenant(s)] and Targeted Investment Opportunities ICAV [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 on 10th April 2018 by the Respondent Landlord on the Appellant Tenant in respect of the tenancy of the dwelling at Apartment 5, 41a Strandfield House, Strand Road, Sandymount, Dublin 4, Ireland is valid.
2. The Notice of Termination served on 15th March 2018 by the Applicant Landlord on the Respondent Tenant in respect of the tenancy of the dwelling at Apartment 5, 41a Strandfield House, Strand Road, Sandymount, Dublin 4, Ireland is valid.
3. The Appellant Tenant and all persons residing in the above dwelling shall vacate and give up possession of the above dwelling within 28 days of the date of issue of this Order.
4. The Appellant Tenant shall pay the total sum of €5,421.05 to the Respondent Landlord, in 12 consecutive monthly payments of €451.75, on the 28th day of each month, commencing on the 28th day of the month immediately following the date of issue of the Order, being rent arrears of €5,921.05 for the period 1 September 2017 to 19 September 2018 having deducted €500 in relation to breach of Respondent Landlord's obligations in respect of the tenancy of the dwelling at Apartment 5, 41a Strandfield House, Strand Road, Sandymount, Dublin 4, Ireland.
5. The enforcement of this Order for such payment of €5,421.05 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 such time as the total sum of €5,421.05 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 Appellant Tenant shall also pay any further rent outstanding from 19th September 2018, at the rate of €850 per month or proportional part thereof at the rate of €27.95 per day and any other charges as set out in the terms of the tenancy agreement for each month or part thereof, until such time as he/she/they vacates the above dwelling.

8. The Respondent Landlord shall refund the entire of the security deposit of €520 to the Appellant Tenant, 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 2 November 2018.



---

Carolyn O'Brien

Higher Executive Officer

Duly authorised to sign on behalf of the Director