

Residential Tenancies Board

Determination Order

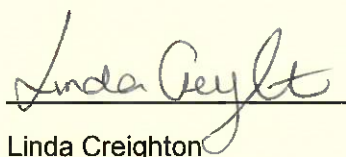
Ref: TR0720-004379/DR1219-59444

In the matter of Lisa McNally [Appellant Tenant] and Keelin McKenna, Peter McKenna [Respondent Landlords] 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 and dated the 7th day of January 2020 in respect of the tenancy of the dwelling at Misneach, Killeeneenmore, Craughwell, Co. Galway is valid.
2. The Appellant Tenant and all other persons residing in the dwelling shall vacate and give up possession of the above dwelling within 28 days of the date of issue of the Order.
3. The Appellant Tenant shall pay the total sum of €5,852.40 to the Respondent Landlords, in 2 equal instalments at the rate of €2,000.00 per calendar month, on the 2nd of each month, followed by one further instalment of €1,852.40 in the immediately succeeding month commencing the next month after the issue of the Order. This sum represents rent arrears of €5,852.40 together with the sum of €200 awarded in respect of damages as a result of the Tenants failure to comply with her legal obligations to discharge rent in accordance with Section 16 of the Act and in failing to vacate the rented property after the service of a valid Notice of Termination less the sum of €200 awarded to the Appellant Tenant as a consequence of a failure on the part of the Respondent Landlords to comply with their legal obligations to maintain the property in accordance with Section 12 of the Act.
4. The enforcement of this Order for such payment of €5,852.40 will be deferred and the total sum owing reduced by the cumulative sum paid in the monthly instalments of €2,000 or €1,852.40 with respect to the third and final instalment made by the Appellant Tenant to the Respondent Landlords on each due date until such time as the total sum of €5,852.40 has been paid in full.
5. The Appellant Tenant shall also pay any further rent outstanding from the 28th day of February 2020 (being the day after the hearing date), at the rate of €2,050 per month or proportional part thereof at the rate of €67.40 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 the Appellant Tenant vacates the above dwelling.

6. The Respondent Landlords shall refund the security deposit received of €2,000 to the Appellant Tenant, upon the Appellant Tenant 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 02 March 2022.

A handwritten signature in black ink, appearing to read 'Linda Creighton', is written over a horizontal line.

Linda Creighton

Higher Executive Officer

Duly authorised to sign on behalf of the Director