

## Residential Tenancies Board

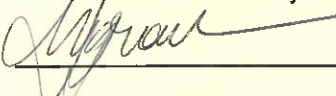
### Determination Order

Ref: TR0722-005563/DR0322-76296

In the matter of Pádraig Carton and Fiona Carton [Appellant Landlords] and Piotr Weber and Magdalena Dobosz [Respondent Tenants], the Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:

1. The Notice of Termination with a date of service of 9th February 2022, served by the Appellant Landlords on the Respondent Tenants, in respect of the tenancy of the dwelling at 41 Oak Lawn, Leixlip, County Kildare, is valid. The Respondent Tenants and all others in occupation of the dwelling shall vacate the dwelling within 28 days of the issuance of this Determination Order.
2. The Rent Review Notice, served on the Respondent Tenants and dated the 22nd December 2021, is not properly before the Tribunal and no determination in that regard is made.
3. The Appellant Landlords' complaints with respect to the Respondent Tenants (i) using the dwelling as a business; (ii) keeping pets; (iii) sub-letting a room in the dwelling; and (iv) refusing access are not properly before the Tribunal and no determination in that regard is made.
4. The Respondent Tenants shall pay to the Appellant Landlords the sum of €8,898.86 within the period of 6 months from the date of issue of this Determination Order, by way of 6 equal consecutive payments of €1,483.14 per month commencing the 15th day of the month subsequent to the month in which this Determination Order is issued. This sum represents arrears of rent up to the 23rd August 2022 in respect of the tenancy of the dwelling at 41 Oak Lawn, Leixlip, County Kildare.
5. The enforcement of this Determination Order for such payment of €8,898.86 will be deferred and the total sum owing will be reduced by the cumulative sum paid, in monthly instalments, by the Respondent Tenants to the Appellant Landlords, on each due date, until such time as the total sum of €8,898.86 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 by the Respondent Tenants to the Appellant Landlords.
7. From the 1st September 2022 onwards the Respondent Tenants shall pay to the Appellant Landlords the monthly rent at the rate of €1,850.00 per month (€60.82 per day) unless lawfully varied, and any other charges set out in the terms of the tenancy agreement, until such time as the Respondent Tenants vacate the dwelling. The sum of €451.14 is also due as the balance of rent owing from the 24th to the 31st August 2022 inclusive.
8. The deposit paid by the Respondent Tenants to the Appellant Landlords at the commencement of the Tenancy is €1,750.00 and this is retained by the Appellant Landlords. The Appellant Landlords shall refund the entire security deposit of €1,750.00 to the Respondent Tenants on gaining vacant possession of the dwelling at 41 Oak Lawn, Leixlip, County Kildare, less any amounts properly withheld in accordance with the provision of the Act.

This Order was made by the Residential Tenancies Board on 19 October 2022.



Emilia Zagrean

Higher Executive Officer

Duly authorised to sign on behalf of the Director