

## Residential Tenancies Board


### Determination Order

**Ref: TR0722-005585/DR0422-76759**

In the matter of Elisabeth Ciuciu, otherwise known as Elisabeth Iamandita, Florin Ciuciu and Alexandra Bujoaca [Appellant Tenants] and John Rutherford [Respondent Landlord], the Residential Tenancies Board in accordance with section 121 of the Act, determines that:

1. The Notice of Termination with a date of service of 9 March 2022, served by the Respondent Landlord on the Appellant Tenants, in respect of the tenancy of the dwelling at 2 Stocking Wood Green, Stocking Avenue, Rathfarnham, Dublin 16 is valid.
2. The Appellant Tenants 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 Appellant Tenants shall pay the total sum of €5,850 to the Respondent Landlord, by way of 8 consecutive instalments at the rate of €700 per calendar month, on or before the 28th day of each month, followed by one further instalment of €250 in the immediately succeeding month, commencing the next month after the date of issue of this Determination Order. This sum represents rent arrears of €5,850 for rent due for each of the 9 months from 1 December 2021 to 1 August 2022 in respect of the tenancy of the dwelling at 2 Stocking Wood Green, Stocking Avenue, Rathfarnham, Dublin 16.
4. The enforcement of this Determination Order for such payment of €5,850 will be deferred and the total sum owing will be reduced by the cumulative sum paid, in monthly instalments, by the Appellant Tenants to the Respondent Landlord, on each due date, until such time as the total sum of €5,850 has been paid in full.
5. 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
6. The Appellant Tenants shall also pay any further rent outstanding from 31 August 2022 at the rate of €2,600 per month or proportionate part thereof at the rate of €85.48. per day, unless lawfully varied, and any other charges as provided for under the terms of the tenancy agreement for each month or part thereof, until such time as the above dwelling is vacated by the Appellant Tenants and any other persons residing therein.

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