

Residential Tenancies Board

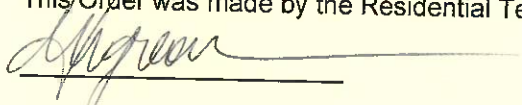
Determination Order

Ref: TR0722-005610/DR1221-74426

In the matter of Emil Nitu and Laura Nitu [Appellant Tenants] and Natalie Postnov [Respondent Landlord], the Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:

1. The Notice of Termination dated 4th November 2021, served by the Respondent Landlord on the Appellant Tenants in respect of the tenancy of the dwelling at 11 Oakview Rise, Clonsilla, Dublin 15, is invalid.
2. The Notice of Rent Review dated the 15th June 2021 and served by the Respondent Landlord on the Appellant Tenants, in respect of the tenancy of the dwelling at 11 Oakview Rise, Clonsilla, Dublin 15 is valid. The new rent is €1,700.00 effective from 29th September 2021.
3. The Appellant Tenantd shall also pay any further rent outstanding from 20th October 2022, the date of the Tribunal hearing, to the Respondent Landlord at the rate of €1,700.00 per month or proportionate part thereof at the rate of €55.89 per day, unless lawfully varied, and any other charges as set out in the terms of the tenancy agreement for each month or part thereof, until such time as they vacate the above dwelling.
4. The Appellant Tenants shall pay the total sum of €1,544.54 to the Respondent Landlord, being rent arrears in respect of the tenancy of the above dwelling for the period from 29th September 2021 to 20th October 2022 inclusive, being rent arrears of €2,544.54 less the deduction of €1,000.00 in damages for breach of the Respondent Landlord's obligations under section 12 (1) (b) of the Act for failure to carry out necessary repairs to the said dwelling.
5. The Appellant Tenants shall pay the sum of €1,544.54 by 7 consecutive instalments at the rate of €200.00 per calendar month, on or before the 28th day of each month, followed by one further instalment of €144.54 in the immediately succeeding month commencing the next month after the date of issue of this Determination Order.
6. The enforcement of this Determination Order for such payment of €1,544.54 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 €1,544.54 has been paid in full.
7. 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.

This Order was made by the Residential Tenancies Board on 7 December 2022.



Emilia Zagrean

Higher Executive Officer

Duly authorised to sign on behalf of the Director