

Residential Tenancies Board

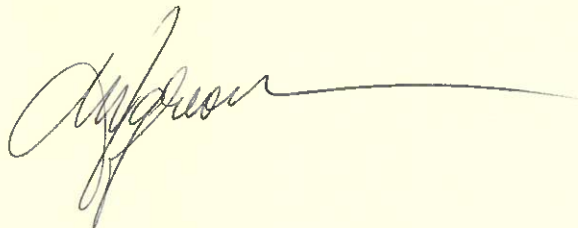
Determination Order

Ref: TR0722-005628/DR0422-76598

In the matter of David Lucian Adam [Appellant Tenant] and Orkstake Limited [Respondent Landlord], 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 7th March 2022, served by the Respondent Landlord on the Appellant Tenant, in respect of the tenancy of the dwelling at 28 The Plaza, Tyrrelstown, Dublin 15, D15 W974, is valid.
2. The Appellant Tenant 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 Tenant shall pay the total sum of €31,719.83 to the Respondent Landlord, by way of 158 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 €119.83 in the immediately succeeding month, commencing the next month after the issue of this Determination Order. This sum represents rent arrears of €31,719.83 for the period from 01.01.2020 to 02.12.2022, in respect of the tenancy of the dwelling at 28 The Plaza, Tyrrelstown, Dublin 15, D15 W974.
4. The Appellant Tenant shall continue to pay any further rent outstanding to the Respondent Landlord from 2nd December 2022, being the date of the Tribunal Hearing, at the rate of €1,716.00 per month, or proportionate part thereof at the rate of €56.42 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 the above dwelling is vacated by the Appellant Tenant and any other persons residing therein
5. The enforcement of this Determination Order for such payment of €31,719.83 will be deferred and the total sum owing will be reduced by the cumulative sum paid, in monthly instalments, by the Appellant Tenant to the Respondent Landlord, on each due date, until such time as the total sum of 31,719.83 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 Respondent Landlord shall refund the security deposit of €1,500.00 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 15 February 2023.



Emilia Zagrean
Higher Executive Officer
Duly authorised to sign on behalf of the Director