

## **Residential Tenancies Board**

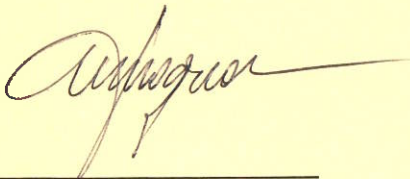
### **Determination Order**

**Ref: TR0723-006441/DR0423-84318**

In the matter of Oliver Murphy, Sean Murphy [Applicant Landlords] and Joseph Nolan [Respondent Tenant] 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 Applicant Landlords on 1st March 2023 on the Respondent Tenant in respect of the tenancy of the dwelling at Greens Cross, Ballycunningham, Donoughmore, Co. Cork, P32 T103 is valid.
2. The Respondent Tenant and all persons residing in the above dwelling shall vacate and give up possession of the above dwelling within 35 days of the date of issue of this Determination Order.
3. The Respondent Tenant shall pay the total sum of €4,400 to the Applicant Landlords, in 10 equal consecutive installments at the rate of €440 per calendar month, on the 28th day of each month commencing the next month after the issue of this Determination Order. This sum represents rent arrears of €4,400, in respect of the tenancy of the dwelling at Greens Cross, Ballycunningham, Donoughmore, Co. Cork, P32 T103.
4. The enforcement of this Determination Order for such payment of €4,400 will be deferred and the total sum owing reduced by the cumulative sum paid in the monthly instalments made by the Respondent Tenant to the Applicant Landlords on each due date until such time as the total sum of €4,400 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 Applicant Landlords.
6. The Landlords shall refund the entire of the security deposit of €550 to the Respondent Tenant, upon the Respondent Tenant vacating and giving up vacant possession of the above dwelling, less any amounts properly withheld in accordance with the provisions of the Act.
7. The Respondent Tenant shall also continue to pay any further rent outstanding as it falls due, at the rate of €650 per month or proportional part thereof at the rate of €21.37 per day ( $\text{€650} \times 12 \text{ months divided by } 365 \text{ days}$ ), 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 he vacates the Dwelling.

This Order was made by the Residential Tenancies Board on 10 January 2024.



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