

## **Residential Tenancies Board**

### **Determination Order**

**Ref: TR0819-003941/DR0519-54622**

In the matter of Susan Brady [Appellant Tenant] and Elizabeth O'Connor, John O'Connor [Respondent Landlords], the Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:

1. The Notice of Termination served on the 16th May 2019 by the Respondent Landlords on the Applicant Tenant in respect of the tenancy of the dwelling at 5 Stapolin House, Myrtle Court, The Coast, Baldoyle, Dublin 13 is valid.
2. The Appellant Tenant and all persons residing in the above dwelling shall vacate and give up possession of the above dwelling within 28 days of the date of issue of this Order.
3. The Appellant Tenant shall pay the total sum of €28,800 to the Respondent Landlords, in 36 equal consecutive instalments at the rate of €800 per calendar month, on the 28th day of each month, commencing the next month after the issue of this Order. This sum represents rent arrears for the period 01 October 2017 to 30 September 2019 in respect of the tenancy of the above dwelling.
4. The Appellant Tenant shall also pay any further rent outstanding from the 30th September 2019, being the date of the Tribunal hearing, at the rate of €1,200 per month or proportional part thereof at the rate of €39.45 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 Appellant Tenant vacates the above dwelling.
5. The enforcement of this Order for such payment of €28,800 will be deferred and the total sum owing reduced by the cumulative sum paid in the monthly instalments made by the Appellant Tenant to the Respondent Landlords on each due date until such time as the total sum of €28,800 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 Landlords.

7. The Respondent Landlords shall refund the entire of the security deposit of €1,200 to the Appellant Tenant, upon the Appellant Tenant vacating and giving up 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 Act on 07 November 2019.

A handwritten signature in dark ink, appearing to read 'Geraldine Norton', written in a cursive style.

Geraldine Norton

Higher Executive Officer

Duly authorised to sign on behalf of the Director