

Residential Tenancies Board

Determination Order

Ref: TR0823-006620/DR1022-80694

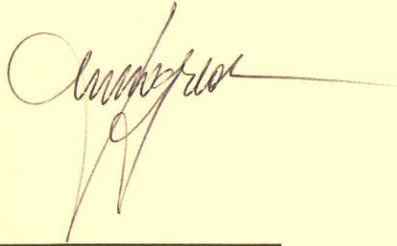
In the matter of Eithne Carney [Appellant Landlord] and Ruth Spain and Neil McCourt [Respondent Tenants], the Residential Tenancies Board, in accordance with Section 121 of the Residential Tenancies Act, 2004, as amended, determines that:

1. The Notice of Termination, with a date of service of 3 August 2022, served by the Appellant Landlord on the Respondent Tenants, in respect of the tenancy of the dwelling at Apartment 18, Temple Court, Hogan Place, Dublin 2, is valid;
2. The second named Tenant and any other persons residing in the above dwelling shall vacate and give up possession of the above dwelling within 14 days of the date of issue of this Determination Order.
3. The Respondent Tenants shall pay the total sum of €8,640 to the Appellant Landlord, being rent arrears for the period from April 2020 to 24 December 2021, by way of 10 consecutive instalments at the rate of €864 per calendar month, on or before the 28th day of each month, commencing the next month after the issue of this Determination Order;
4. The enforcement of this Order for such payment of €8,640 shall be deferred and the total sum owing reduced by the cumulative sum paid in the instalments made by the Respondent Tenants to the Appellant Landlord on or before each due date until such time as the total sum of €8,640 has been paid in full;
5. For the avoidance of doubt, any default in the payment of any of the monthly instalments by the Respondent Tenants shall act to cancel any further deferral in respect of the order against them and the balance of the €8,640 due at the date of default of any such payment shall immediately become due and owing to the Appellant Landlord.
6. The second named Tenant, Neil McCourt, shall pay the total sum of €27,360 to the Appellant Landlord, for rent arrears from 25 December 2021 to 18 January 2024, by way of 10 consecutive instalments at the rate of €2,736 per calendar month, on or before the 28th day of each month, commencing the next month after the issue of this Determination Order;
7. The enforcement of this Order for such payment of €27,360 shall be deferred and the total sum owing reduced by the cumulative sum paid in the instalments made by the second named Tenant to the Appellant Landlord on or before each due date until such time as the total sum of €27,360 has been paid in full;
8. For the avoidance of doubt, any default in the payment of any of the monthly instalments by the second named Tenant shall act to cancel any further deferral in respect of the order against him and the balance of the €27,360 due at the date of default of any such payment shall immediately become due and owing to the Appellant Landlord.
9. The second named Tenant, Neil McCourt, shall continue to pay any further rent outstanding to the Appellant Landlord from 18 January 2024, being the date of the Tribunal hearing, at the rate of €1,500 per month, or proportionate part thereof at the rate of €49.32 per day, unless lawfully varied, and any other charges as set out in the terms of the tenancy agreement, for each month/week or

part thereof, until such time as the above dwelling is vacated by the second named Tenant, Neil McCourt, and any other persons residing therein.

10. The Appellant Landlord shall refund the security deposit of €1,500 to the Respondent Tenants, on gaining 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 13 March 2024.

A handwritten signature in dark ink, appearing to read 'Emilia Zagrean', written over a horizontal line.

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