

Residential Tenancies Board

Determination Order

Ref: TR0921-005080/DR0521-69664

In the matter of Carly Hamilton [Appellant Tenant] and Kevin McKeown [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 18 May 2021 served by the Respondent Landlord on the Appellant Tenant in respect of the tenancy of the dwelling at 8 Shelbourne Road, Ballsbridge, Dublin 4, is valid.
2. The Appellant Tenant, and any other person or persons residing in the above dwelling, shall vacate and give up possession of the above dwelling within 21 days of the date of issue of this Determination Order.
3. The Appellant Tenant shall pay the sum of €25,359.50 to the Respondent Landlord, being rent arrears in respect of the tenancy of the above dwelling of €27,068.50, having deducted the sum of €1,709, being damages in respect of breaches of the Respondent Landlord's obligations under s. 12(1)(b) of the Act in respect of the tenancy of the above dwelling, by way of eight instalments, specifically seven monthly instalments of €3,250, followed by a final instalment of €2,609.50, the first instalment of €3,250 to be paid on or before the 28th day of the month immediately following the issue of this instalment Order, and each subsequent payment to be paid on or before the 28th day of each month thereafter, until such time as the total sum of €25,359.50 owed has been paid.
4. The enforcement of this Order for such payment of €25,359.50 will be deferred and the total sum owing reduced by the cumulative sum paid in the instalments made by the Appellant Tenant to the Respondent Landlord on or before each due date until such time as the total sum of €25,359.50 has been paid in full.
5. For the avoidance of doubt, any default in the payment of any of the instalments due shall act to cancel any further deferral and the balance due at the date of default of any such payment shall immediately become due and owing to the Respondent Landlord.
6. The Appellant Tenant shall also pay any further rent outstanding from 15 December 2021, being the date immediately following the Tribunal hearing, at the rate of €3,250 per month or proportionate part thereof at the rate of €106.85 per day, unless lawfully varied, plus any other charges provided for under the terms of the tenancy agreement, for each month or part thereof, until such time as the above dwelling is vacated by her and any other person or persons residing therein.

7. The Respondent Landlord shall refund the security deposit of €3,250 to the Appellant Tenant 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 9th March 2022.

A handwritten signature in black ink, appearing to read 'Linda Creighton', is written over a horizontal line.

Linda Creighton

Higher Executive Officer

Duly authorised to sign on behalf of the Director