

Residential Tenancies Board

Determination Order

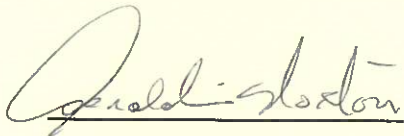
Ref: TR0921-005091/DR0421-69225

In the matter of Graham McAuley [Appellant Tenant] and Christina Murphy [Respondent Landlord], 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 Respondent Landlord on the Appellant Tenant on 14 May 2021, in respect of the tenancy of the dwelling at Apartment 130, Millrace Road, Phoenix Park Racecourse, Castleknock, Dublin 15, D15FV09, is valid.
2. The Appellant Tenant is overholding and the Appellant Tenant and all other persons residing in the dwelling are required to vacate and give up vacant possession of the dwelling within 21 days of the date of issue of this Determination Order.
3. The Appellant Tenant shall pay the total sum of €16,565.00 to the Respondent Landlord, in eleven equal consecutive instalments of €1,500 per calendar month, each payment to be made on or before the 25th day of each month, followed by one further instalment of €65.00 in the immediately succeeding month, the first payment to be made in the month immediately following the date of issue of this Determination Order. This sum represents rent arrears of €15,565.00, accruing between 25th January 2021 and 14th November 2021 together with the sum of €1,000 damages for breach of tenant obligations in respect of the tenancy of the dwelling at Apartment 130, Millrace Road, Phoenix Park Racecourse, Castleknock, Dublin 15, D15FV09.
4. The enforcement of this Order will be deferred and the total sum owing reduced by the cumulative sum paid by the Appellant Tenant to the Respondent Landlord on or before each due date until such time as the total sum of €16,565.00 has been paid in full.
5. For the avoidance of doubt, any default in the payment of any of the monthly instalments or any further rent due, on or before the 25th day of such month, 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.
6. The Appellant Tenant shall also pay any further rent due from 15 November 2021 (date of the hearing), at the rate of €2,000 per month, or proportionate part thereof at €65.75 per day (being €2,000 x 12 /365), unless lawfully varied, along with any other charges as set out in the tenancy agreement, until such time as the dwelling is vacated.

7. The Respondent Landlord shall refund the entirety of the security deposit of €2,000 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 22 December 2021.

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

Geraldine Norton
Higher Executive Officer
Duly authorised to sign on behalf of the Director