

Residential Tenancies Board

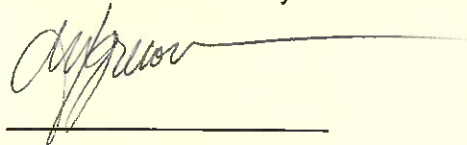
Determination Order

Ref: TR0922-005703/DR0622-77673

In the matter of Mary Metcalfe [Applicant Landlord] and John Byrne [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 on 12th May 2022 by the Applicant Landlord on the Respondent Tenant, in respect of the tenancy of the dwelling at Mount Carmel, 4 Ardburgh Villas, Dalkey, County Dublin, A96F727 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 28 days of the date of issue of this Determination Order.
3. The Respondent Tenant shall pay the total sum of €28,800 to the Applicant Landlord, in 24 equal consecutive instalments at the rate of €1,200 per calendar month, on the 28th day of each month, commencing the next month after the date of issue of this Determination Order. This sum represents rent arrears of €28,800 in respect of the tenancy of the dwelling at the above address.
4. The enforcement of this Determination 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 Respondent Tenant to the Applicant Landlord on each due date until such time as the total sum of €28,800 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 Landlord.
6. The Respondent Tenant shall also pay any further rent outstanding from 7th November 2022, 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 Respondent Tenant vacates the above dwelling.
7. The Applicant Landlord shall refund the entire of the security deposit of €700 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.

This Order was made by the Residential Tenancies Board on 18 January 2023.



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