

Residential Tenancies Board

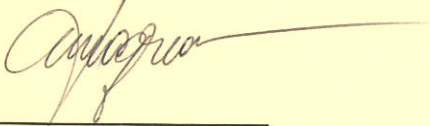
Determination Order

Ref: TR0923-006665/DR0623-86405

In the matter of Orkstake [Applicant Landlord] and Kelci Gilbert [Respondent Tenant] 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 November 2022, served by the Applicant Landlord on the Respondent Tenant, in respect of the tenancy of the dwelling at 36 Cruise Park Drive, Tyrellstown, Dublin 15 is valid.
2. The Respondent Tenant and any other persons residing in the above dwelling shall vacate and give up possession of the above dwelling within 42 days of the date of issue of this Determination Order.
3. The Respondent Tenant shall pay the total sum of €10,060.92 to the Applicant Landlord, by way of 20 consecutive instalments at the rate of €500 per calendar month, on or before the 28th day of each month, followed by one further instalment of €60.92 on or before the 28th day of the immediately succeeding month, commencing the next month after the issue of this Determination Order. This sum represents rent arrears of €10,060.92 in respect of the tenancy of the dwelling at 36 Cruise Park Drive, Tyrellstown, Dublin 15.
4. The enforcement of this Determination Order for such payment of €10,060.92 will be deferred and the total sum owing will be reduced by the cumulative sum paid, in monthly instalments, by the Respondent Tenant to the Applicant Landlord, on each due date, until such time as the total sum of €10,060.92 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 continue to pay any further rent outstanding to the Applicant landlord from 10 January 2024 being the date of the Tribunal Hearing, at the rate of €1,741 per month/week, or proportionate part thereof at the rate of €57.24 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 Respondent Tenant and any other persons residing therein.
7. The Applicant Landlord shall refund the security deposit of €1,741 to the Respondent 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 28 February 2024.



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