

Residential Tenancies Board

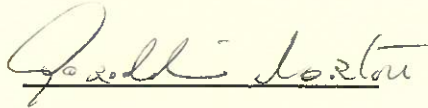
Determination Order

Ref: TR1020-004470/DR0420-61976

In the matter of Akhtar Hussain Memon and Anita Szegda [Appellant Tenants] and John Scully and Joanne Scully [Respondent Landlords], the Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:

1. The Notice of Termination dated 25 March 2020, served by the Respondent Landlords on the Appellant Tenants, in respect of the tenancy of the Dwelling at Flat 6, 42 York Road, Rathmines, Dublin 6, is valid.
2. The Appellant Tenants 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 or within 10 days of the expiration of a relevant Emergency Period, whichever is the later. An Emergency Period comes into operation whenever the Irish Government introduces restrictions on travel outside of a 5 kilometre radius of a person's place of residence.
3. The Appellant Tenants shall pay the total sum of €9,114.29 to the Respondent Landlords, being rent arrears, by way of 10 equal consecutive instalments at the rate of €900.00 per calendar month, on or before the 28th day of each month, followed by a single instalment of €114.29 in the immediately succeeding month, commencing the next month after the issuing of this Determination Order.
4. The enforcement of this Order for such payment of €9,114.29 will be deferred and the total sum owing reduced by the cumulative sum paid in the monthly instalments made by the Appellant Tenants to the Respondent Landlords on or before each due date until such time as the total sum of €9,114.29 has been paid in full.
5. For the avoidance of doubt, any default in the payment of any of the monthly instalments or further rent due 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 Landlords.
6. The Appellant Tenants shall also pay any further rent outstanding from 15 February 2021, being the date of the Tribunal hearing, at the rate of €600 every 3 weeks or proportional part thereof at the rate of €28.57 (being €600/21) per day and any other charges, until such time as the Appellant Tenants vacate and give up vacant possession of the above dwelling.
7. The Respondent Landlords shall refund the entire of the security deposit of €330 to the Appellant Tenants, upon the Appellant Tenants 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 28 April 2021.

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

Geraldine Norton

Higher Executive Officer

Duly authorised to sign on behalf of the Director