

Residential Tenancies Board

Determination Order

Ref: TR1022-005746/DR0222-75687

In the matter of Fiontraiocht Teoranta [Appellant Landlord] and Gary McGrath [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 9 December 2021, served by the Appellant Landlord, in respect of the tenancy of the dwelling at Flat 3, 8 South Circular Road, Dublin 8, 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 14 days of the date of issue of the Determination Order.
3. The Respondent Tenant shall pay the total sum of €5,569.34 to the Appellant Landlord by way of 11 consecutive instalments at the rate of €500 per calendar month, on or before the 28th day of each month, followed by one further payment of €69.34 in the immediately succeeding month, commencing the next month after the issue of the Determination Order. This sum represents rent arrears of €5,569.34 for the period from 12th June 2021 to 7th December 2022 in respect of the tenancy of the dwelling at Flat 3, 8 South Circular Road, Dublin 8.
4. The Respondent Tenant shall continue to pay any further rent outstanding to the Appellant Landlord from 7 December 2022, being the date of the Tribunal Hearing, at the rate of €900 per month, or proportionate part thereof at the rate of €29.59 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 above dwelling is vacated by the Respondent Tenant and any other persons residing therein.
5. The enforcement of the Determination Order for such payment of €5,569.34 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 Appellant Landlord, on each due date, until such time as the total sum of €5,569.34 has been paid in full.
6. 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 Appellant Landlord.
7. The Appellant Landlord shall refund the security deposit of €900 to the Respondent Tenant, upon the Respondent Tenant vacating and giving up 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 1 February 2023.



Emilia Zagrean

Higher Executive Officer

Duly authorised to sign on behalf of the Director