

Residential Tenancies Board

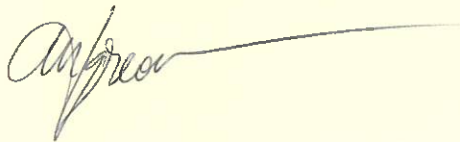
Determination Order

Ref: TR1022-005759/DR0822-79191

In the matter of Caroline Flynn [Appellant Landlord(s)] and Daniel Ziomek, Katarzyna Ziomek [Respondent Tenant(s)] the Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:

1. The Notice of Termination served on 15 March 2022 by the Appellant Landlords on the Respondent Tenants in respect of the tenancy of the Dwelling at 70 Church Avenue, Eden Gate, Delgany, Greystones, Wicklow is valid.
2. The Respondent 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 a Determination Order by the Board.
3. The Respondent Tenants shall pay the sum of €16,002.30 to the Appellant Landlords, being rent arrears in respect of the tenancy of the above Dwelling as of 14 December 2022 by 10 consecutive payments of €1,600.23 on the 28th day of each month, commencing the 28th day of the month immediately following the date of issue of a Determination Order by the Board.
4. The enforcement of the Order for such payment of €16,002.30 will be deferred and the total sum owing reduced by the cumulative sum paid in the monthly instalments made by the Respondent Tenants to the Appellant Landlords on the due date;
5. For the avoidance of doubt, any default on the part of the Respondent Tenants in the payment of any of the monthly instalments, or any default in compliance with paragraph one of this order, shall act to cancel any further deferral and the balance due at the date of default of any such payment shall immediately become due and owing to the Appellant Landlords.
6. The Respondent Tenants shall also pay any further rent outstanding from 14 December 2022 being the date of the Tribunal hearing, at the rate of €1,200 per month or proportional part thereof at the rate €39.45 per day ($€900 \times 12/365 = €36.45$), 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 Tenants vacate and give up possession of the above dwelling.
7. The Landlord shall refund the entire of the security deposit of €1,200 to the Respondent Tenants, upon the Respondent s 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 15 February 2023.



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