

Residential Tenancies Board

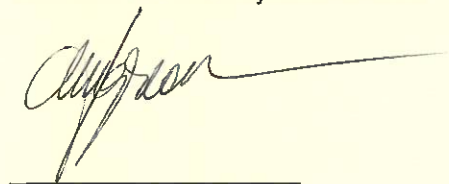
Determination Order

Ref: TR1022-005761/DR0222-75707

In the matter of James Kiernan and Christina Newman [Appellant Tenants] and Fergus McCabe [Respondent Landlord], 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 29th July 2021 served by the Respondent Landlord on the Appellant Tenants, in respect of the tenancy of the dwelling at Apartment 3, 142 Capel Street, Dublin 1, is valid.
2. The Appellant Tenants are overholding at the dwelling, Apartment 3, 142 Capel Street, Dublin 1 since 30th August 2021.
3. The Appellant Tenants and any other persons residing in the above dwelling shall vacate and give up vacant possession of the above dwelling within 14 days of the date of issue of this Determination Order.
4. The Appellant Tenants shall pay the total sum of €25,752.36 to the Respondent Landlord, in 25 consecutive monthly payments of €1,000.00, on the 28th day of each month, followed by one payment of €752.36 on the 28th day of the immediately succeeding month, commencing on the 28th day of the month immediately following the date of issue of this Determination Order, being rent arrears of €25,752.36.
5. The enforcement of this Determination Order for such payment of €25,752.36 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 Landlord on each due date until such time as the total sum of €25,752.36 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 Respondent Landlord.
7. The Appellant Tenants shall also pay any further rent outstanding from 10th January 2023, being the date of the virtual hearing, to the Respondent Landlord, at the rate of €1400.00 per month or proportionate part thereof at the rate of €46.03 per day, unless lawfully varied, plus any other charges provided under the terms of the tenancy agreement, for each month or part thereof, until such time as the dwelling is vacated by them and by all other current occupants.
8. The Respondent Landlord shall refund the entire of the security deposit of €1,400.00 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 and arising from this Determination Order.

This Order was made by the Residential Tenancies Board on 22 February 2023.



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