

Residential Tenancies Board

Determination Order

Ref: TR1117-002672/DR0817-36391

In the matter of Michael Itaire [Appellant Tenants] and Fred Murphy [Respondent Landlord] the Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:

1. The Notice of Termination, dated 20th July 2017, served by the Respondent Landlord on the Appellant Tenant, in respect of the tenancy of the dwelling at 47, Block B, Smithfield Market, Dublin 8, is valid.
2. The Appellant Tenant, and all persons residing in the above dwelling, shall vacate and give up possession of the dwelling within 14 days of the date of issue of the Order.
3. The Appellant Tenant shall pay the total sum of €2,481 to the Respondent Landlord, in two equal consecutive installments at the rate of €1,000 per calendar month, on the 28th day of each month, followed by one further installment of €481 in the immediately succeeding month commencing the next month after the issue of the Order. This sum represents arrears of rent of €2,481 in respect of the tenancy of the above dwelling.
4. The enforcement of this Order for such payment €2,481 will be deferred and the total sum owing reduced by the cumulative sum paid in the monthly instalments made by the Appellant Tenant to the Respondent Landlord on each due date until such time as the total sum of €2,481 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 Appellant Tenant shall also pay any further rent outstanding from 13 February 2018, being the date of the Tribunal hearing, at the rate of €1,650.00 per month, or proportional part thereof at the rate of €54.25 per day, 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 Appellant Tenant and all other persons vacate the above dwelling.
7. The Respondent Landlord shall refund the entire of the security deposit of €1,650 to the Appellant Tenant, upon the Appellant Tenant vacating and giving up vacant possession of the above dwelling, less any amounts properly withheld in accordance with the provisions of the Act.

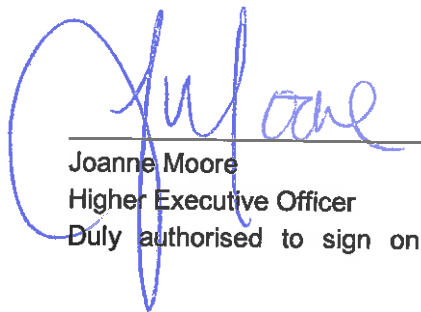
This Order was made by the Residential Tenancies Board on 20 March 2018



Tim Ryan

Board Member

Duly authorised to sign on behalf of the Board



Joanne Moore

Higher Executive Officer

Duly authorised to sign on behalf of the Board