

## Residential Tenancies Board

### Determination Order

**Ref: DR0917-36884**

In the matter of Robert O'Reilly [Applicant Landlord] and Dayna Byrne [Respondent Tenant] the Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:

1. The Notice of Termination served on 25th June 2017, by the Applicant Landlord on the Respondent Tenant, in respect of the tenancy of the dwelling at 78 The Avenue, Meadowvale, Arklow, Co. Wicklow, is valid.
2. The Respondent Tenant, and all other persons residing in the above dwelling, shall vacate and give up possession of the dwelling within 28 days of the date of issue of the Order.
3. The Respondent Tenant shall pay the total sum of €1,565 to the Applicant Landlord in 2 consecutive monthly instalments at the rate of €782.50 per calendar month, on the 28th day of each month, commencing the next month after the issue of the Order. This sum represents rent arrears of €1,480 in respect of the tenancy of the above dwelling plus €85 as a contribution to the costs incurred in his meeting the appeal and in attending the Tribunal.
4. The enforcement of the Order for such payment of €1,480 will be deferred and the total sum owing reduced by the cumulative sum paid in the monthly instalments by the Respondent Tenant, on each due date, until such time as the total sum of €1,480 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 Respondent Tenant shall also pay any further rent outstanding from 4th October 2017, being the date of the Adjudication hearing, at the rate of €740 per month, or proportional part thereof at the rate of €24.33 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 she vacates the above dwelling.
7. The Applicant Landlord shall refund the entire of the security deposit of €700 to the Respondent Tenant, upon the Respondent 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 26 January 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