

Residential Tenancies Board

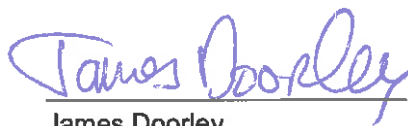
Determination Order

Ref: TR1117-002704/DR0917-37226

In the matter of Bertie Dineen, Bandon and District Homes Limited [Appellant Landlord(s)] and Niall O Sullivan [Respondent Tenant(s)] the Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:

1. The first notice of termination served on 17 August 2017, by the appellant landlord on the respondent tenant, in respect of the tenancy of the dwelling at 5 Spruce Grove, Courtmacsherry, County Cork, concerning the right to terminate a tenancy within the first six months thereof, is valid;
2. The respondent tenant and all persons residing in the above dwelling shall vacate and give up possession of the above dwelling within 84 days of the date of issue of the order of the Board;
3. The respondent tenant shall pay the total sum of €7,470.80 to the appellant landlord, in equal consecutive instalments at the rate of €500.00 per calendar month, on or before the 28th day of each month, followed by one further instalment of €470.80 in the immediately succeeding month, the first payment to be made the next month after the issue of the order of the Board. This sum represents rent arrears of €7,470.80, in breach of the respondent tenant's obligations pursuant to section 16(a) of the Residential Tenancies Act, in respect of the tenancy of the above dwelling;
4. The enforcement of this order for such payment of €7,470.80 will be deferred and the total sum owing reduced by the cumulative sum paid in the monthly instalments made by the respondent tenant to the appellant landlord on each due date until such time as the total sum of €7,470.80 has been paid in full;
5. The respondent tenant shall also pay any further rent outstanding from 14 February 2018, being the date immediately following the date of the Tribunal hearing, at the rate of €850 per month or proportional part thereof at the rate of €27.95 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 respondent tenant vacates the above dwelling;
6. For the avoidance of doubt, any default in the payment of any of the monthly instalments or further rent due, by the 28th day of such month, 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.

This Order was made by the Residential Tenancies Board on 17 July 2018.



James Doorley

Board Member

Duly authorised to sign on behalf of the Board



Carolyn O'Brien

Higher Executive Officer

Duly authorised to sign on behalf of the Board