

Residential Tenancies Board

Determination Order

Ref: DR0919-57028

In the matter of William Rochford (The Applicant/Respondent, acting in his capacity as executor of the estate of Kevin Rochford, Landlord) and Jonathan Ross (The Respondent/Applicant 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 the 26th July 2019 by the Applicant/Respondent on the Respondent/Applicant Tenant in respect of the tenancy of the dwelling at Rose Cottage, Annamoe, Roundwood, Co. Wicklow, is valid.
2. The Respondent/Applicant Tenant, and any other person/s residing in the above dwelling, shall vacate and give up possession of the above dwelling within 28 days of the date of issue of this Determination Order.
3. The Respondent/Applicant Tenant shall pay the total sum of €5,484.94 to the Applicant/Respondent, by way of 10 consecutive monthly instalments at the rate of €548.49 per month, to be paid on or before the 28th day of each month, commencing in the month immediately following the month of issue of this Order. This sum represents rent arrears of €5,484.94 in respect of the tenancy of the dwelling at the above address.
4. The enforcement of the Order for such payment of €5,484.94 will be deferred and the total sum owing will be reduced by the cumulative sum paid in the monthly instalments by the Respondent/Applicant Tenant to the Applicant/Respondent, on each due date, until such time as the total sum of €5,484.94 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/Respondent.
6. The Respondent/Applicant Tenant shall also pay any further rent outstanding from 11th October 2019, being the date of the adjudication hearing, to the Applicant/Respondent, at the rate of €700 per month or proportional part thereof at the rate of €23.01 per day, unless lawfully varied, together with any other charges provided for under the terms of the tenancy agreement, for each month or part thereof, until such time as he vacates the above dwelling.
7. The Applicant/Respondent shall refund the entire of the security deposit of €700 to the Respondent/Applicant Tenant, upon the Respondent/Applicant Tenant vacating and giving up possession of the above dwelling, less any amounts properly withheld in accordance with the provisions of the Act.