

## **Residential Tenancies Board**

### **Determination Order**

**DR0820-64348**

In the matter of Ann Kupka [Applicant / Respondent Landlord] and Patricia McAuliffe, Gareth Nagle [Respondent / Applicant Tenants], 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 01 August 2020 served by the Applicant / Respondent Landlord on the Respondent / Applicant Tenants, in respect of the tenancy of the dwelling at 8 Aherlow Close, Caherdavin, Limerick, V94 Y32V, is valid.
2. The Respondent / Applicant Tenants and any other persons 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 Tenants shall pay the total sum of €7,568.60 to the Applicant / Respondent Landlord, by way of 15 consecutive instalments at the rate of €500.00 per calendar month, on or before the 14th day of each month, followed by one further instalment of €68.60 in the immediately succeeding month commencing the next month after the issue of this Determination Order. This sum represents rent arrears of €7,568.60 in respect of the tenancy of the above dwelling.
4. The Respondent / Applicant Tenants shall also pay any further rent outstanding from 08 October 2020, being the date of the Adjudication Hearing, at the rate of €1,250.00 per month or proportionate part thereof at the rate of €41.10 per day, unless lawfully varied, and any other charges as provided for under the terms of the tenancy agreement for each month or part thereof, until such time as the above dwelling is vacated by the Respondent / Applicant Tenants and any other persons residing therein.
5. The enforcement of this Determination Order for such payment of €7,568.60 will be deferred and the total sum owing will be reduced by the cumulative sum paid, in monthly instalments, by the Respondent / Applicant Tenants to the Applicant / Respondent Landlord, on each due date, until such time as the total sum of €7,568.60 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 Applicant / Respondent Landlord.

7. The Applicant / Respondent Landlord shall refund the security deposit of €1,250.00 to the Respondent / Applicant Tenants, upon the Respondent / Applicant Tenants vacating and giving up 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 12 May 2021.

A handwritten signature in dark ink, appearing to read 'Geraldine Norton', written over a horizontal line.

Geraldine Norton

Higher Executive Officer

Duly authorised to sign on behalf of the Director