

Residential Tenancies Board

Determination Order

Ref: TR1121-005166/DR0621-70506

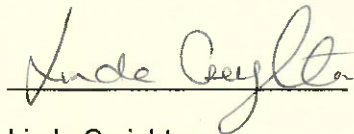
In the matter of Valerie Enners [Appellant Tenant] and Ballycorney Limited [Respondent Landlord] the Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:

1. The Notice of Termination served on 18 May 2021 by the Respondent Landlord on the Appellant Tenant, in respect of the tenancy of the dwelling at 94 Ceol na hAbhann, Caherconlish, Co. Limerick is valid.
2. The Appellant Tenant and all persons residing in the above dwelling shall vacate and give up possession of the above dwelling within 21 days of the date of issue of the determination order of the Board.
3. The Appellant Tenant shall pay the total sum of €17,975.25 to the Respondent Landlord, in 11 equal consecutive instalments at the rate of €1,500.00 per calendar month, on or before the 28th day of each month, followed by one further instalment of €1,475.25 in the immediately succeeding month, commencing the next month after the issue of the Order. This sum represents rent arrears of €17,975.25 in respect of the tenancy of the above dwelling.
4. The enforcement of the determination order for such payment of €17,975.25 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 €17,975.25 has been paid in full.
5. For the avoidance of doubt, any default in the payment of any of the monthly instalments or any further rent due 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 Respondent Landlord.
6. The Appellant Tenant shall also pay any further rent outstanding from 20 December 2021, being the date of the Tribunal hearing, to the Respondent Landlord at the rate of

€700.00 per month or proportionate part thereof at the rate of €23.01 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 above dwelling is vacated in accordance with para. 2 above.

7. The Respondent Landlord shall refund the entire of the security deposit of €700.00 to the Appellant Tenant, upon the dwelling being vacated in accordance with para. 2 above, less any amounts properly withheld in accordance with the provisions of the Act.

This Order is made by the Residential Tenancies Board on 02 March 2022.

A handwritten signature in black ink, appearing to read 'Linda Creighton', is written over a horizontal line.

Linda Creighton
Higher Executive Officer
Duly authorised to sign on behalf of the Director

