

## **Residential Tenancies Board**

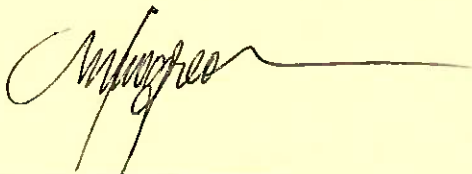
### **Determination Order**

**Ref: TR1123-006918/DR0423-84734**

In the matter of Wayne O'Shaughnessy [Appellant Tenant] and Edward Cahill [Respondent Landlord] 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 28 February, 2023 served by the Respondent Landlord on the Appellant Tenant, in respect of the tenancy of the dwelling at 103 Russell Court, Dooradoyle, Co. Limerick is valid.
2. The Appellant Tenant and any 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 this Determination Order.
3. The Appellant Tenant shall pay the total sum of €9462 in rent arrears to the Respondent Landlord in 10 equal monthly instalments of €900 each month plus a final instalment of €462 in the immediately succeeding month. Payment of the instalments shall commence on 28th day in the next month after the issue of this Determination Order. This sum represents rent arrears of €9462, in respect of the tenancy of the dwelling.
4. The Appellant Tenant shall continue to pay any further rent outstanding to the Respondent Landlord from 5 April, 2024, being the date of the Tribunal Hearing, at the rate of €1177 per month, or proportionate part thereof at the rate of €38.69 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 by the Appellant Tenant and any other persons residing therein
5. The enforcement of this Determination Order for such payment of €9462 will be deferred and the total sum owing will be reduced by the cumulative sum paid, in monthly instalments, by the Appellant Tenant to the Respondent Landlord, on each due date, until such time as the total sum of €9462 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 Respondent Landlord.
7. The Respondent Landlord shall refund the security deposit of €1177 to the Appellant Tenant, upon the tenant's 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 22 May 2024.



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Emilia Zagrean  
Higher Executive Officer  
Duly authorised to sign on behalf of the Director