

## **Residential Tenancies Board**

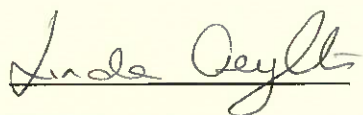
### **Determination Order**

**Ref: TR1221-005192/DR0721-71295**

In the matter of Nicolette O'Brien [Applicant Landlord] and Dermot O'Connor [Respondent Tenant], the Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004 - 2021, determines that:

1. The Notice of Termination served by the Applicant Landlord on the Respondent Tenant on the 15 June 2021 requiring the Respondent Tenant to vacate the dwelling in respect of the tenancy at 8 Anglesea Lodge, Anglesea Road, Ballsbridge, Dublin 4 is valid.
2. The Respondent Tenant and all persons residing in the above dwelling shall vacate and give up vacant possession of the dwelling within 28 days of the date of the issue of this Determination Order.
3. The Respondent Tenant shall pay the total sum of €32,205.52 to the Applicant Landlord in 9 consecutive monthly payments of €3,500 on the 28th day of each month followed by one further instalment of €705.52 on the 28th day the immediately succeeding month, commencing on the 28th day of the month immediately following the date of the issue of this Determination Order. This sum represents rent arrears of €29,705.52 arising over the period from the 16 February 2020 to the 24 February 2022 and damages for breach of the Tenant's obligations in failing to pay rent of €2,500 in respect of the tenancy of the dwelling at 8 Anglesea Lodge, Anglesea Road, Ballsbridge, Dublin 4.
4. The enforcement of this Determination Order for such payment of €32,205.52 will be deferred and the total sum owing will be reduced by the cumulative sum paid in the monthly instalment(s) made by the Respondent Tenant on each due date until the total sum of €32,205.52 has been paid in full.
5. For the avoidance of doubt any default in the payment 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 Landlord.
6. The Respondent Tenant shall also pay from the 24 February 2022, being the date of the Tribunal hearing, any further rent outstanding at the rate of €2,600 per month or proportional part thereof at the rate of €85.48 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.
7. The Applicant Landlord shall refund the entire of the security deposit of €2,600 to the Respondent Tenant, upon the Respondent Tenant vacating and giving up vacant 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 6<sup>th</sup> April 2022.

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

Linda Creighton

Higher Executive Officer

Duly authorised to sign on behalf of the Director