

Residential Tenancies Board

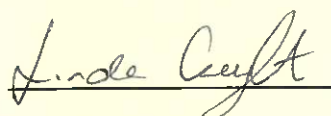
Determination Order

Ref: TR1221-005210/DR0721-71395

In the matter of John Barcoe [Appellant Tenant] and Benjamin Jackson [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 18 November 2019 served by the Respondent Landlord on the Appellant Tenant in respect of the tenancy of the dwelling at 56 Castlewood Gardens, Pollerton, Carlow, R93AE18, is valid.
2. The Appellant Tenant and all other persons currently residing in the dwelling as aforesaid, shall vacate and give up possession of the dwelling within 56 days of the date of issue of this Determination Order.
3. The Appellant Tenant shall pay the total sum of €4,722.35 to the Respondent Landlord, being arrears of rent in respect of the tenancy of the dwelling as aforesaid, by way of five consecutive instalments at the rate of €800 per calendar month, followed by a further instalment of €722.35 the following month, on or before the 28th day of each month, commencing on the next month after the date of issue of this Determination Order.
4. The enforcement of this Determination Order for such payment of €4,722.35 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 sum of €4,722.35 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 Respondent Landlord.
6. The Appellant Tenant shall also pay any further rent outstanding from 25 March 2022 being the date following the date of the virtual Tribunal hearing, to the Respondent Landlord, at the rate of €563.00 per month or proportionate part thereof at the rate of €18.51 per day, unless lawfully varied, plus 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 dwelling.
7. The Respondent Landlord shall refund the entirety of the security deposit held to the Appellant Tenant on gaining 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 4th May 2022



Linda Creighton

Higher Executive Officer

Duly authorised to sign on behalf of the Director