



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 of the Private Housing (Tenancies)(Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/21/0754

Re: Property at 191 Headland Court, Aberdeen, AB10 7HZ (“the Property”)

Parties:

Mr Veerappan Arunachalam, 7 Deeside Lane, Aberdeen, AB12 5UG (“the Applicant”)

Mr Daniel Nnamdi Onuchukwu, Mr David Chukwudi Onuchukwu, Mr Ebuka Rufus Onuchukwu, Address Unknown, Address Unknown; Address Unknown, Address Unknown; 61 Bridge Street, Kinghorn, HR5 3DJ (“the Respondents”)

Tribunal Members:

Gabrielle Miller (Legal Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant is entitled to an order for payment from the Respondents for £4976.58 (FOUR THOUSAND NINE HUNDRED AND SEVENTY SIX POUNDS AND FIFTY EIGHT PENCE)

Background

1. An application was received by the Housing and Property Chamber. It was dated 24th March 2021. The application was submitted under Rule 111 of The First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on the Respondent not maintaining rent payments and damage to property.
2. The Respondents whereabouts are unknown. The Applicant instructed a company to trace the Respondents. This trace was unsuccessful. The Respondents were served notification of the Case Management Decision by

service by advertisement from 10th May 2021. The Tribunal had a copy of the Certificate of Service by Advertisement dated 14th June 2021.

The Case Management Discussion ("CMD")

3. A CMD was held on 14th June 2021 at 2pm by teleconferencing. The Applicant was present and represented himself. The Respondents were not present. The Tribunal proceeded in terms of Rule 29 of the Rules. The Respondents did not make representations in advance of the hearing.
4. The Applicant submitted the Respondents left the Property on 4th March 2021. He accepted a WhatsApp message as their notice. This meant that with a 28 day notice period the tenancy ended on 31st March 2021. This WhatsApp message was the last contact from the Respondents. The Applicant emailed the Guarantor asking for a phone number to call him and discuss matters. The Guarantor refused.
5. The deposit is still with Letting Protection Scotland. The Applicant wished to have the outcome of the Tribunal before applying for it. The deposit consists of 2 x 1 month rent payment of £575. A total of £1150 is being held.
6. The Applicant told the Tribunal that the whole of the Property needed to be repainted due to there being stains and marks throughout. The painting cost £1500. The rest of the repairs/damages cost were for replacement items which had been damaged. The Applicant calculated that at 50% of the cost of the item. The Total amount was £2736.58.
7. The door lock needed replaced as the Respondents did not leave the keys. This cost £95. The Respondents left various items in the Property including gym equipment. This cost the Applicant £100 to get professional removers to remove and dispose of it. The Property was cleaned which cost £264.
8. The Respondents had accrued rent arrears totalling £1751.

Findings and reason for decision

9. A Private Rented Tenancy Agreement commenced 28th January 2019.
10. The Respondents persistently failed to pay their rent charge of £575 per month. The rent payments are due to be paid on 27th day of each month.
11. The Respondents did caused damage to the Property that required to be repaired and cleaned. The Respondents failed to return the keys which required a new lock to be fitted. The Respondents failed to remove all of their belongings which required to be removed and disposed.

12. There are no outstanding Housing Benefit issues.

13. There were no issues of reasonableness.

14. The outstanding amount sought totalled £4976.58.

Decision

15. The Tribunal found that the Applicant was entitled to be granted an order for payment amounting to £4976.85.

Right of Appeal

In terms of Section 46 of the Tribunal (Scotland) Act 2014, a party aggrieved by the decision of the Tribunal may appeal to the Upper Tribunal for Scotland on a point of law only. Before an appeal can be made to the Upper Tribunal, the party must first seek permission to appeal from the First-tier Tribunal. That party must seek permission to appeal within 30 days of the date the decision was sent to them.

Gabrielle Miller

Legal Member/Chair

14th June 2021

Date