

Housing and Property Chamber
First-tier Tribunal for Scotland



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 (1) of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/21/2315

Re: Property at 10H Love Lane, Peterhead, AB42 1PT ("the Property")

Parties:

Mr Julius Zemulis, 3 St Peter Street, Peterhead, AB42 1RR ("the Applicant")

Mr Aivaras Valinaitis, UNKNOWN, UNKNOWN ("the Respondent")

Tribunal Members:

Andrew McLaughlin (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that:

Summary of Discussion

In this Application, the Applicant seeks the sum of £1,600.00 from the Respondent in respect of rent arrears said to have been accrued under a Tenancy at the Property.

The Applicant has produced a copy of the tenancy and evidence in support of the rent arrears in the form of bank statements.

Case Management Discussion.

When the Application called for a Case Management Discussion (CMD) at 2pm by conference call at 2pm on 18 January 2022, neither party was represented nor in attendance. The Application had been served on the Respondent by advertisement on

the Tribunal website as his whereabouts could not reasonably be established. The Applicant had been informed by email of the date of the CMD. The CMD was continued to another date under explanation that if the Applicant failed to appear or be represented then the Application would likely be dismissed.

The CMD called again today at 10 am on 9 March 2022. The Applicant was personally present. He apologised for his non-attendance at the previous CMD. He had experienced “*phone difficulties*” and by the time he had joined the line 25 minutes late the Tribunal had ended. There was again no appearance on behalf of the Respondent.

The Tribunal heard the Applicant who spoke to the circumstances of the Application. The position was that without warning the Respondent stopped paying the contractual monthly rent of £400.00. When the Applicant managed to gain access to the Property, he found that the Respondent had abandoned the Property and removed all his possessions.

Findings in fact

Having heard from the Applicant, the Tribunal made the following findings in fact.

- I. The parties entered into a tenancy at the Property which commenced on 16 January 2019;*
- II. The Applicant was the landlord and the Respondent was the tenant;*
- III. The contractual monthly rent due under the tenancy was £400.00*
- IV. The Respondent abandoned the Property with arrears of rent lawfully due to the Applicant in the sum of £1,600.00.*

Decision

Having made the above findings in fact, the Tribunal decided to grant the Application and make a Payment Order against the Respondent in favour of the Applicant in the sum of £1,600.00. The Tribunal ordered that interest will run on that sum at the rate of three per cent per year from today’s date until payment.

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.



09/03/2022

Legal Member/Chair

Date