



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/22/3426

Re: Property at 41a Marischal Street, Peterhead, Aberdeenshire, AB42 1BS (“the Property”)

Parties:

Mr Craig Durward, Mr David Souden, 16 Keppleston Gardens, Aberdeen, AB15 6DH; Orchard Grove Lodge, Kinellar, Aberdeenshire, AB21 0RZ (“the Applicant”)

Mr Kaspars Ginters, Miss Nellija Balabanova, 13C Marischal Street, Peterhead, Aberdeenshire; 4 Carters Close, Peterhead, AB42 1UU (“the Respondent”)

Tribunal Members:

Mark Thorley (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment by the Respondent Miss Nellija Balabanova to the Applicant in the sum of £2506.40 (Two Thousand Five Hundred and Six Pounds and Forty Pence) be made.

Background

1. The applicant applied to The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the tribunal”) by application dated 20 September 2022. Accompanying the application was the following:
 - a. Copy Lease
 - b. Ingoing Inventory
 - c. Video at end of lease
 - d. Rent Statement
 - e. Removal of rubbish invoice

- f. Repainting invoice
 - g. Cleaning costs invoice
2. The application was received by the tribunal on 21 September 2022. Further information was sought by the tribunal. A new application dated 1 November 2022 was then submitted together with authority being provided to Ms Baxter of Parkhill Properties (Aberdeen) Ltd to act on behalf of the applicants.
 3. On 23 November 2022 the application was accepted for determination.
 4. The application was then sent out by sheriff officers and delivered to Ms Nellija Balabanova on 22 December 2022.
 5. No intimation was made upon the respondent Mr Kaspars Ginters. It was understood that Mr Ginters had gone to live in Latvia.
 6. No service by advertisement had taken place upon Mr Ginters.

Case Management Discussion

1. At the case management discussion Ms Baxter from Parkhill Properties (Aberdeen) Ltd attended.
2. There was no attendance by or for the respondent nor had any written representations been made.
3. Ms Baxter intimated that there had been some communication with the respondent Ms Balabanova subsequent to the end of the tenancy and there was a suggestion that an arrangement was going to be made for payment of outstanding sums but no such sums have been forthcoming.

Findings in Fact

1. The parties entered into a private residential tenancy for the lease of the premises at 41A Marischal Street, Peterhead, Aberdeenshire AB42 1BS.
2. The private residential tenancy was dated 15 and 17 September 2020.
3. Rent was due to be paid at the rate of £550 per month payable monthly and in advance.
4. At the termination of the tenancy in April 2022 rent was outstanding in the sum of £1,540.41. This was offset by the deposit of £550 leaving an outstanding rental balance of £990.41. In addition other costs were incurred to remove rubbish (£292.99), to repaint (£800) and to clean the property (£423).
5. The total outstanding amount including rent, removal of rubbish, repainting and cleaning costs amounted to £2,506.40.

Reasons for decision

1. There was no appearance by or for the respondent. It was acknowledged that there had been no service of the paperwork upon the respondent Mr Ginters. The applicant's representative was prepared to proceed solely against the respondent Ms Balabanova.
2. The paperwork was in order. The outstanding rent and other costs involving repainting, removals and cleaning had been vouched. The respondent had not lodged any written representations.
3. The tribunal accepted the evidence provided in written form and verbally by the representative and granted an order as sought.

Decision

To make an order for payment by the respondent Ms Nellija Balabanova to the applicant in the sum of £2,506.40.

A landlord, tenant or third party applicant 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.

Where such an appeal is made, the effect of the decision and of any order is suspended until the appeal is abandoned or finally determined by the Upper Tribunal, and where the appeal is abandoned or finally determined by upholding the decision, the decision and any order will be treated as having effect from the day on which the appeal is abandoned or so determined.

Legal Member/Chair

15 February 2023
Date