



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/22/3747

Re: Property at 23 Findon Ness, Altens, Aberdeen, AB12 3JW (“the Property”)

Parties:

Mr Opeoluwa Adeleke, 27 Balquharn Drive, Aberdeen, AB12 4AG (“the Applicant”)

Mr Christopher Bremnar, 5 Wisely Wynd, Aberdeen, AB15 8LZ (“the Respondent”)

Tribunal Members:

Jan Todd (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 of the sum of £3769.67 be granted in favour of the Applicant from the Respondent.

1. This was the first case management discussion (CMD) in respect of an application by the Applicant dated 12th October 2022 for an order for payment of arrears of rent from the Respondent who was the Tenant in a Tenancy of the Property from the Applicant.

The following documents were lodged with the application:-

- A copy of a Tenancy Agreement dated 24th September 2020 between the Applicant as Landlord and the Respondent who was the Tenant.
- Statement of rent arrears showing a sum outstanding as at 21st January 2022 of £3,769.67.

- Copy e-mail from the Respondent dated 21st January 2022
 - Copy letter to the Respondent from solicitors seeking payment dated 16th September 2022
2. The case management discussion (CMD) proceeded today by way of teleconference.
 3. Service was validly affected on the Respondent by Service by Sheriff Officers who served the papers on the Respondent on 14th December 2022 by letterbox service.

- **The Case Management Discussion**

1. The CMD took place by teleconferencing and the Legal Member waited until 10.10 to see if the Respondent was going to join the call. The Respondent did not join and was not represented at the CMD. The Respondent has not lodged any written submissions for the Tribunal to consider.
2. The legal member made introductions and explained the purpose and order of proceedings also advising that the Tribunal could make a decision after a CMD which it could after a hearing if satisfied it was appropriate to do so.
3. The Applicant was represented by Mr John McKeown. The legal member considered it appropriate to continue with the CMD given that intimation had been given to the Respondent and he has not responded in writing or requested any postponement of today's CMD.
4. Mr McKeown advised that the Applicant was seeking an order for payment of the arrears of rent accrued for the Property by the Respondent. He advised that the Respondent gave notice that he would be leaving the Property on 2nd December but did not in fact leave until 21st January 2022, he referred to the e-mail lodged with the tribunal from the Respondent advising he had left the property and left the keys there. Mr McKeown advised that they had tried to contact the Respondent but have had no contact and no further payment towards the arrears. He also advised the Applicant is seeking interest at 4% in terms of the Tribunal's rules.
5. Mr McKeown confirmed the Applicant has claimed the full amount of the deposit to cover damage to the Property and therefore the deposit is not available to put towards rent arrears.

Findings in Fact

1. The parties entered into a lease of the Property in the form of a Private Residential tenancy which commenced on 25th September 2020.
2. The Rent due in terms of the lease is £775 per calendar month payable in advance. The payment date was changed to 14th of each month from 25th of each month.
3. The tenant left the Property on 21st January 2022 when the tenancy ended.
4. The rent outstanding at 21st January 2022 is £3,769.67.

5. The Deposit of £775 has been reclaimed by the Applicant for damage to the Property.

- **Reasons for Decision**

6. The parties have entered into a lease where the Respondent has leased the property from the Applicant and has agreed to pay £775 per month in rent.
7. The Respondent has failed to pay the full rent due. Arrears started accruing according to the rent statement provided from July 2021. The Respondent advised he would be leaving the Property on 2nd December 2021 but did not leave on that date and only left on 21st January 2022 and left the keys at the Property. The rent due and not paid to 21st January is £3769.67.
8. The Respondent was served notice of this application by sheriff officer on 14th December 2022 and has not made any written representations or attended this CMD.
9. The Tribunal accepts the written evidence and verbal statements made by the Applicant's representative who the Tribunal found credible in his evidence that the rent outstanding as of 21st January 2022 when the tenant left is £3,769.67, that there has been no communication or payment since then and the deposit has been claimed for and put towards other damages in the Property.
10. In the absence of any representations from the Respondent the Tribunal finds it fair and appropriate to make an order for payment for that sum today with a sum of interest of 4%. There being no application for time to pay the Tribunal makes an order for payment of the sum claimed.

- **Decision**

An order for payment of the sum of £3,769.67 is granted together with interest at the rate of 4%.

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.

Jan Todd

Legal Member/Chair

Date: 9th February 2023

