



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/21/0234

Re: Property at T/R 9 Margaret Street, Aberdeen, AB10 1UJ (“the Property”)

Parties:

Mrs Wendy Peddie, 45 Gordon Road, Mannofield, Aberdeen, AB15 7RY (“the Applicant”)

Mr Monaf Ullah, 58 Norfolk Road, South Shields, Tyne and Wear, NE34 7JW (“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 £4,550 be granted in favour of the Applicant from the Respondent.

- **Background**

1. This was the first case management discussion (CMD) in respect of an application by the Applicant dated 1st February 2021 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 the Tenancy Agreement dated 5th and 12th December 2017 between the Applicant as Landlord and the Respondent who was the Tenant of the Property and which commenced on 8th December 2017.
- Statement of rent arrears showing a sum outstanding of £5,000.

- Copy redacted bank statements and
 - Copy E-mails from Stronachs and the Respondent regarding arrears.
2. Due to the Covid 19 pandemic the case management discussion (CMD) proceeded today by way of teleconference due to the requirement at the current time for social distancing.
 3. Service was validly affected on the Respondent by Service by Sheriff Officers who served the papers on the Respondent on 20th October 2021.

- **The Case Management Discussion**

1. The CMD took place by teleconferencing and the Legal Member waited until 11.40 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 any decision after a CMD which it could after a hearing if satisfied it was appropriate to do so.
3. The Applicant was present on the call and was not represented. 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. The Applicant advised that the Respondent had been a tenant in the Property from December 2017 and that he periodically missed payments and arrears accumulated. She advised that she left the management of this and the Property with her agents Stronachs. She confirmed that he had advised that during 2020 he was struggling with payments due to the impact of the pandemic and the landlord confirmed that she had offered to reduce the monthly rent by £100 per month for April, May, June and July and that it would revert to £450 in August 2020. The Applicant referred to the e-mail confirming this offer by Stronachs dated 2nd July 2020 and indicated that the offer was conditional on the Respondent making additional payments towards the arrears. She then advised the Respondent had not made any further payments from July and had not complied with the condition offered and so the rent had not been reduced and the sum outstanding was, she submitted, £5,000 as per the rent statement.
5. The legal member then enquired about the deposit and the Applicant admitted she was not aware of whether this had been reclaimed and applied to the rent arrears. The Tribunal adjourned to allow the Applicant to contact her letting agent and make enquiries and when the Tribunal resumed she confirmed that the deposit of £450 had been successfully claimed and had been applied to the rent arrears. She therefore confirmed that the amount she would now be seeking was £4,550.

Findings in Fact

1. The parties entered into a lease of the Property which commenced on 11th December 2017 and has ended on 7th February 2021.
2. The Rent due in terms of the lease is £450 per calendar month payable in advance.
3. The tenant removed and returned the keys on the 19th February 2021
4. The rent outstanding at as at today's date is £4,550.
5. The Deposit of £450 has been successfully claimed by the Applicant and has been applied to reduce the arrears of rent.

- **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 £450 per month in rent.
7. The Respondent has failed to pay the full rent due and has been sporadic in his payments culminating in no payments since July 2020. The Respondent has now left the Property and returned the keys on 19th February 2021.
8. The Respondent has not made any written representations and has not attended this CMD today so there are no representations from the Respondent for the Tribunal to take into account.
9. The Tribunal accepts the written evidence and verbal statements made by the Applicant, who the Tribunal found clear and credible in her evidence that the rent outstanding as of February 2021 amounted to £5,000. This is set out and confirmed in the rent statement lodged with the application. The deposit has been successfully claimed by the Applicant's representative and has been applied to the rent outstanding and so the balance due to date is £4,550. 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.
10. There being no application for time to pay the Tribunal makes an order for payment of the sum claimed as stated above.

- **Decision**

An order for payment of the sum of £4550 is granted.

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.