



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the Housing (Scotland) Act 2014

Chamber Ref: FTS/HPC/CV/23/2201

Re: Property at 1 Blackhouse Terrace, Peterhead, AB42 1LR (“the Property”)

Parties:

Mr Ewan Minty, 3 Kirk Park, Dunbar, East Lothian, EH42 1BJ (“the Applicant”)

Mr Guntar Butovskis, 1 Blackhouse Terrace, Peterhead, AB42 1LR (“the Respondent”)

Tribunal Members:

Nicola Irvine (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) dismissed the application.

Background

1. The Applicant submitted an application under Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. The Applicant sought an order for payment in respect of rent arrears said to have been incurred by the Respondent.
2. By decision dated 5 September 2023, a Convenor of the Housing and Property Chamber, having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion (“CMD”).
3. The Tribunal issued letters on 29 September 2023 informing both parties that a CMD had been assigned for 6 November 2023 at 10am, which was to take place by conference call. In that letter, the parties were also told that they required to take part in the discussion and were informed that the Tribunal could make a decision today on the application if the Tribunal has sufficient information and considers the procedure to have been fair. The Respondent

was invited to make written representations by 20 October 2023. The Tribunal did not receive any written representations on behalf of the Respondent.

The case management discussion

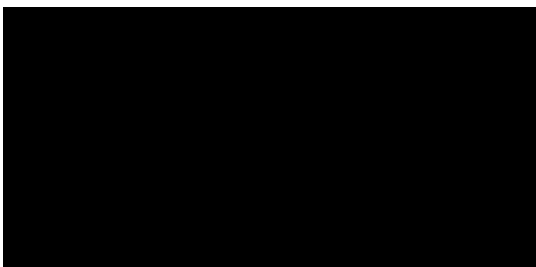
4. The CMD took place by conference call and both parties joined the call. The Respondent advised that he paid all rent arrears up to 29 October 2023. The Applicant accepted that all rent arrears have been paid but explained that the Respondent moved out of the property without giving notice to terminate the tenancy. Keys have not yet been returned to the Applicant. In terms of the tenancy agreement, two months' notice was required, although the Applicant was prepared to accept one month's notice. The Respondent advised that his wife gave verbal notice in September but the Applicant did not accept that he received notice. The Respondent formally gave notice to terminate the tenancy during the CMD. The Tribunal explained that since the claim before it has been satisfied, an order for payment cannot be granted. If the parties do not manage to resolve matters surrounding termination of the tenancy, that may result in further proceedings before the Tribunal.

Reason for Decision

5. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the CMD. The Respondent had paid the full sum claimed in the present application. The parties still have matters to resolve surrounding the termination of the tenancy, but that is not a matter that the Tribunal could consider in the present application. Accordingly, the application was dismissed.

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.



Legal Member/Chair

Date: 6 November 2023