

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 71 of the Private Housing (Tenancies)(Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/24/2613

Re: Property at 578A George Street, Aberdeen, AB25 3XU (“the Property”)

Parties:

SBM Private Limited, 20 Colthill Circle, Miltimber, AB13 0EH (“the Applicant”)

Mr Steliyan Stanimirov Rumenov, 578A George Street, Aberdeen, AB25 3XU (“the Respondent”)

Tribunal Members:

Gabrielle Miller (Legal Member) and Gerard Darroch (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant is entitled to an order for payment for £7650 (SEVEN THOUSAND SIX FIFTY POUNDS ONLY).

Background

1. An application was received by the Housing and Property Chamber dated 7th June 2025. The application was submitted under Rule 109 of The First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on the Respondent not maintaining rent payments. This was details £2250 in arrears.
2. On 18th February 2025, all parties were written to with the date for the Case Management Discussion (“CMD”) of 1st April 2025 at 10am by teleconferencing. The letter also requested all written representations be submitted by 11th March 2025.
3. On 21st February 2025, sheriff officers served the letter with notice of the hearing date and documentation upon the Respondent by letterbox service. This was evidenced by Certificate of Intimation dated 21st February 2025.

4. At the CMD on 1st April 2025 at 10am no party attended. The application was dismissed. The Applicant thereafter sought for the application to be recalled.
5. On 19th May 2025, the Applicant emailed the Housing and Property Chamber requesting that the amount sought be increased to £7650 for the conjoined application. This was notified to the Respondent by the Housing and Property Chamber.
6. On 11th June 2025, all parties were written to with the date for the new date for the CMD of 18th July 2025 at 10am by teleconferencing.
7. The case was conjoined with case FTS/HPC/EV/24/3033.

The Case Management Discussion

8. A CMD was held on 18th July 2025 at 10am by teleconferencing. The Applicant was present and represented by Mr Bhavin Asher, Director SBM Private Limited. Mr Ramaiya also from SBM Private Limited was present but did not address the Tribunal. The Respondent was not present. The Tribunal proceeded in terms of Rule 29 of the Rules. The Respondent did not make any representations in advance of the CMD.
9. The Tribunal was content that the recall should be granted and proceeded with considering the application.
10. Mr Asher said that the current arrears, as of today's date, amounts to £8550. There has been no communication from the Respondent since January 2024. Several emails have been sent to the Respondent but there has been no response. It is believed that the Respondent is still living in the Property. The Applicant's directors have driven past the Property as recently as four months ago and saw that lights were on in it. It has also been reported to them that the Respondent has been seen in the supermarket doing his shopping. There is no concern by the Applicant for the Respondent's welfare. They believe him still to be living in the Property but not paying the rent or communicating with them. The Applicant had wanted to undertake six monthly checks on the Property but the Respondent had not engaged with their communications.
11. This is the only property which the Applicant rents out. It had been their intention to buy more to let but this one has been so problematic and costly with the rent not being paid. They now wish to sell it due to the financial pressures that it has put them under. They also have a sick relative that they have to redirect funds to support that person. Matters may have been different had the Respondent made payments and not gone into arrears.
12. The Tribunal was content that the Respondent was aware of the increase in the amount sought as per the email of 19th May 2025. It also noted that it was not able to increase the amount to the current amount of arrear, which is £8550, as this has not been intimated to the Respondent.

13. The Tribunal was satisfied that it was appropriate to grant an order for eviction.

Findings and reason for decision

14. A Private Rented Tenancy Agreement commenced 17th November 2021.

15. The Respondent persistently failed to pay his rent charge of £450 per month. The rent payments are due to be paid on sixtieth day of each month.

16. Arrears accrued to more than three months rent payment at the date of application and was more than one months rent payments at the date of the hearing.

17. The Respondent has not communicated with the Applicant since January 2024.

18. There are no known outstanding Universal Credit Housing Element issues.

19. The arrears sought in the con total £7650. This is beyond the amount which was originally sought and the arrears have since increased to £8550.

20. There are no issues of reasonableness that prevent an order from being granted.

Decision

21. The Tribunal found that the Applicant was entitled to be granted an order for payment for £7650 by the Respondent.

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.

Gabrielle Miller

Legal Member/Chair

18th July 2025

Date