



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/20/1585

Re: Property at 59(G) Marischal Street, Aberdeen, AB11 5AB (“the Property”)

Parties:

Mr Mohammed Mehrabadi, 374 Great Western Road, Aberdeen, AB10 6PH (“the Applicant”)

Miss Emanuela-Luiza Musat, sometime 59(G) Marischal Street, Aberdeen AB11 5AB, whose present whereabouts are unknown (“the Respondent”)

Tribunal Members:

George Clark (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application should be decided without a Hearing and made an Order for Payment by the Respondent to the Applicant of the sum of £1,600.

Background

By application, received by the Tribunal on 27 July 2020, the Applicant sought an Order for Payment in respect of unpaid rent that had become lawfully due by the Respondent to the Applicant. The sum sought was £1,600.

The application was accompanied by a copy of a tenancy agreement between the Parties, commencing on 27 August 2019 at a monthly rent of £420. The Applicant stated that there had been a problem regarding the rent from the start of the tenancy and he had agreed to reduce it to £400 per month. The Respondent had paid £400 on 23 September, 22 October, 27 November, 11 December 2019 and 24 January 2020, with a further payment of £200 on 9 April 2020.

On 1 June 2020, the Respondent sent a text to the Applicant, saying that she was going to London and had left the key under the door of the Property. She said she was “sorry for everything.”

On 7 September 2020, the Applicant requested that service on the Respondent be by advertisement on the Tribunal's website and he subsequently provided the Tribunal with a letter from Walker Love, Professional Investigations, Paisley, dated 8 October 2020, confirming that their efforts to locate the present whereabouts of the Respondent had failed.

On 11 December 2020, the Tribunal advised the Parties of the date and time of a Case Management Discussion. Service on the Respondent was effected by advertisement on the Tribunal's website from 16 December 2020 until 5 February 2021.

Case Management Discussion

A Case Management Discussion was held by means of a telephone conference call on the afternoon of 5 February 2021. The Applicant participated in the conference call, but the Respondent was not present or represented. The Applicant advised the Tribunal that the rent had been paid in arrears and that no payments had been received since the date of the application. The rent had, therefore, been paid up to 26 January 2020 and only £200 had been paid since then.

Reasons for Decision

Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) regulations 2017 provides that the Tribunal may do anything at a Case Management Discussion which it may do at a Hearing, including making a Decision. The Tribunal was satisfied that it had before it all the information and documentation it required to enable it to decide the application without a Hearing.

The Tribunal was satisfied that the sum sought had become lawfully due by the Respondent to the Applicant. The Respondent had abandoned the Property on 1 June 2020 without giving the Applicant the 28 days' notice to which he was entitled under the Private Housing (Residential Tenancies) (Scotland) Act 2016, so was liable to pay rent up to and including 28 June 2020. The arrears, therefore, exceeded the £1,600 that the Applicant was seeking. The Applicant confirmed, however, that he was content to obtain an Order for Payment of the amount sought in the application.

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.

George Clark



5 February 2021

Legal Member/Chair

Date