



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 70(1) of the Private Housing (Tenancies) (Scotland) Act 2014

Chamber Ref: FTS/HPC/CV/19/3982

Re: Property at 63 Virginia Street, Aberdeen, AB11 5AX (“the Property”)

Parties:

Mr Gordon Alexander and Mrs Gillian Alexander, both residing at Lutetia, 3 Ardivot Farm, Lossiemouth, IV31 6RY (“the Applicant”)

Mr Eugen Mariciuk, 13B Manor Walk, Aberdeen, AB16 7UQ (“the Respondent”)

Tribunal Members:

Ruth O'Hare (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to make an order for payment against the Respondent in favour of the Applicant in the sum of One thousand six hundred and twenty pounds (£1,620) Sterling

1 By application dated 11 December 2019 the Applicant sought an order for payment of rent arrears and cleaning and decoration costs against the Respondent. In support of the application the Applicant provided the following:-

- i) Tenancy Agreement between the parties;
- ii) Copy correspondence from both the Applicant and the Applicant's solicitor to the Respondent requesting payment;
- iii) Invoice for cleaning costs dated 2nd May 2019;
- iv) Copy Invoice from Carpetcare Ltd dated 1st May 2019;
- v) Invoice from MM Construction Services dated 3 June 2019; and
- vi) Email correspondence between the Applicant and the Applicant's letting agent confirming works required at the end of the tenancy.

- 2 By Notice of Acceptance of Application dated 19 December 2019 the Legal Member with delegated powers of the Chamber President intimated that there were no grounds on which to reject the application. A Case Management Discussion was therefore assigned for 18th February 2020.
- 3 A copy of the application paperwork together with notification of the date, time and location of the Case Management Discussion was served on the Respondent by Sheriff Officers on 15th January 2020.

The Case Management Discussion

- 4 The Case Management Discussion took place on 18th February 2020. Mr and Mrs Anderson were both present. The Respondent was present and accompanied by Marius Gualiuc who was assisting him for translation purposes. The Legal Member confirmed that the Respondent was content for Mr Gualiuc to translate on his behalf.
- 5 The Legal Member explained the purpose of the Case Management Discussion. The Legal Member then asked the Respondent what his position was regarding the application. Initially the Respondent advised that he was disputing the application. In summary he explained that he had an agreement with the letting agent that his tenancy was continuing on a monthly basis, he had given notice at the end of March and had then handed in the keys at the end of April. This was disputed by Mr and Mrs Alexander. The Respondent confirmed that everything had been done verbally and he had nothing in writing. In relation to the cleaning and redecoration costs, the Respondent advised that the property was in the same condition at the end of the tenancy as it had been at the beginning of the tenancy. Mr and Mrs Alexander confirmed that they would be able to obtain a copy of the inventory from the letting agent to dispute this claim.
- 6 The Respondent then advised that he wished to make an offer to pay the outstanding amount. After some discussion between the parties, Mr and Mrs Alexander confirmed that they would accept an order for payment at the rate of £100 per month. The Legal Member explained the effect of the order, and the fact that it would revert to an order for payment of the full amount if the Respondent did not maintain the payments. She confirmed that it would be enforceable in the same way as any order from the court. The Respondent confirmed through Mr Gualiuc that he understood this and was content that the order be made.

Reasons for Decision

- 7 The Tribunal was satisfied on the basis of the information before it that it was able to make a determination of the application at the Case Management

Discussion and that to do so would not be prejudicial to the interests of the parties. Having had extensive discussions with the Applicants and the Respondent at the Case Management Discussion, the Tribunal noted that the Respondent was not challenging the application and was content to make an offer to pay at the rate of £100 per month. The Tribunal was satisfied that the Respondent had understood the proceedings and was aware of the effect of the order against him. The Tribunal was also satisfied having regard to the terms of the application and the verbal submissions at the Case Management Discussion that the Applicants were entitled to the sum of £1620 under the terms of the Tenancy Agreement between the parties.

- 8 Accordingly, the Tribunal made an order for payment in favour of the Applicants against the Respondent in the sum of £1620, payable at the rate of £100 per month, with payments to commence within thirty days of the date of the order.

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.



Date

18/2/20