

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 Section 16 of the Housing (Scotland)
Act 2014**

Chamber Ref: FTS/HPC/CV/21/2716

Re: Property at Flat 5, 10 Belmont Street, Aberdeen, AB10 1JE (“the Property”)

Parties:

**Miss Amber Richardson, Amarlie Quittlehead, Lumphanan, Aberdeenshire,
AB31 4QL (“the Applicant”)**

Mr Andri Ong, 11 Sombre, Harku Vlad, Harjumaa, Estonia (“the Respondent”)

Tribunal Members:

Gillian Buchanan (Legal Member)

Decision (in absence of the Respondent)

On 7 November 2022 a Case Management Discussion (“CMD”) took place by telephone conference. The Applicant was in attendance. The Respondent was neither present nor represented.

The tribunal was satisfied that the requirements of Rule 24(1) of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”) had been satisfied relative to the Respondent having received notice of the CMD and determined to proceed in the absence of the Respondent in terms of Rule 29.

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that:-

Background

The Respondent leased to the Applicant the Property in terms of a Private Residential Tenancy Agreement (“the PRT”) signed on 2 October 2021.

The PRT commenced on 2 October 2021 and the rent payable in terms thereof was £95 per week. A deposit of £400 was also agreed to be payable.

At the outset of the tenancy the Applicant paid to the Respondent a sum of £4,480, being the deposit of £400 and £4,080 by way of rent in advance.

The Applicant finally vacated the Property on 6 November 2021. She had previously been served with a purported Notice to Leave by the Respondent requiring her to vacate by that date.

In terms of the application, the Applicant sought an order for payment by the Respondent of £4,005 being the total sums paid by her under deduction of 5 weeks rent at £95 per week (£475).

The CMD

At the CMD the Applicant made the following representations:-

- That the Applicant had not lived at the Property for a period prior to 6 November 2021 due to intimidation by the Respondent.
- That the Applicant finally removed her belongings on 6 November 2021.
- That the rent of £95 per week included £10 per week by way of Council Tax.
- That the Applicant seeks a payment order in a sum of £4,005.00

Reasons for Decision

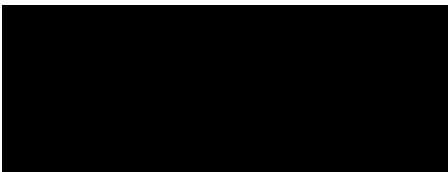
The Applicant paid significant sums at the outset of the tenancy including, in particular, advance rent. The Applicant required to vacate the Property after a period of only 5 weeks having been served with a purported Notice to Leave by the Respondent. The Applicant is due to be reimbursed by the Respondent those sums paid in advance under deduction of rent due to the date of the Applicant's removal.

Decision

The tribunal therefore granted an order against the Respondent for payment to the Applicant of £4,005.00.

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.



**Gillian Buchanan
Legal Member/Chair**

**7 November 2022
Date**