



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 of the Private Housing (Tenancies)(Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/20/1348

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

Parties:

Mr Mohammed Hussain Mehrabadi, Lynne Mehrabadi, Jonathon Mehrabadi and Jeremy Mehrabadi, 374 Great Western Road, Aberdeen, AB10 6PH (“the Applicants”)

Miss Constantin Alin Lancu, Mr Andreea Roxana Micu, Unknown, Unknown (“the Respondents”)

Tribunal Members:

Rory Cowan (Legal Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that a Payment Order should be issued in the sum of Two Thousand Four Hundred Pounds.

- Background

By application dated 6 May 2020 (the Application) the Applicants seek a Payment Order in relation to rent arrears arising from the Respondents’ tenancy at the Property. Following further enquiries by the Tribunal the claimed arrears were confirmed as £2,400 being rent arrears for February to July 2020. The Application was accepted by the Tribunal on 26 August 2020 and a Case Management Discussion (CMD) fixed for 18 November 2020 at 10am. Following acceptance, the Application was served by way of advertisement in line with the Tribunal’s rules of procedure and a certificate of such citation was made available to the Tribunal for the CMD.

- The Case Management Discussion

Mr Mohammed Mehrabadi appear appeared at the CMD for all the Applicants. There was no appearance by either of the Respondents. Notwithstanding, the Tribunal was

satisfied that proper service had been made of the Application to the Respondents and the CMD could proceed.

It was submitted that the Respondents had vacated the Property on or around the “end of July 2020”. It was not clear when exactly they had vacated as they had “disappeared with the keys”. Mr Mehrabadi indicated that possession of the Property had been obtained on or around September 2020. Notwithstanding, it was submitted that they were content to restrict the sum sought by way of arrears to £2,400. With the Application, the Applicants provided screenshots of various text messages from the Respondents acknowledging rent arrears and making promises of payment towards same.

- Findings in Fact
 - 1) The Respondents entered into a tenancy for the Property with a date of entry on or around 20 September 2019.
 - 2) That the rent payable under that tenancy agreement was £400 per calendar month.
 - 3) That the Respondents vacated the Property on or around the end of July 2020 leaving arrears of rent totalling £2,400.
- Reasons for Decision

The Respondents having failed to pay the rent due under the tenancy for the Property from and including February 2020 to and including July 2020, have accrued arrears of rent in the sum of £2,400.

- Decision

A Payment Order in the sum of £2,400 should be issued in favour of the Applicants against the Respondents.

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.

Rory Cowan

Legal Member/Chair

Date 18 November 2020