



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Regulations”)

Chamber Ref: FTS/HPC/CV/22/0175

Re: Property at 73 Skene View, Westhill, Aberdeen, AB32 6BL (“the Property”)

Parties:

Create Homes Aberdeenshire LLP, Aberdeenshire Council, Gordon House, Blackhall Road, Inverurie, AB51 3WA (“the Applicant”)

Mr Adam Joji, 2 Meadowlands Close, Westhill, AB32 6BF (“the Respondent”)

Tribunal Members:

Nicola Weir (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment by the Respondent in the sum of £917.51 should be made in favour of the Applicant.

Background

1. By application received 20 January 2022, the Applicant sought a payment order against the Respondent in the sum of £917.51 in respect of rent arrears. Supporting documentation was submitted with the application, including a copy of the tenancy agreement and a payment schedule.
2. The application was subsequently accepted by a Legal Member of the Tribunal acting with delegated powers from the Chamber President who issued a Notice of Acceptance of Application in terms of Rule 9 of the Regulations on 24 February 2022. Notification of the application was then made to the Respondent and the date, time and arrangements for a Case Management Discussion (“CMD”) were intimated to both parties, advising of the date by which any

written representations should be lodged (7 April 2022). Said notification was served on the Respondent personally by Sheriff Officer on 18 March 2022. No representations were lodged by the Respondent.

Case Management Discussion

1. A Case Management Discussion (“CMD”) took place by telephone conference call on 9 May 2021 at 11.30am, attended by Ms Julia Leonard, Private Sector Housing Officer of the Applicant. The Legal Member delayed the start of the CMD for 5 minutes to allow an opportunity for the Respondent to join late but he did not do so.
2. After introductions and introductory remarks by the Legal Member, Ms Leonard addressed the application and confirmed that the Applicant is still seeking a payment order in the sum of £917.51 against the Respondent, who is a former tenant of the Applicant, having vacated the Property on 15 July 2021. Ms Leonard advised that the tenancy had commenced on 30 June 2020 and that the arrears had accrued towards the end of the tenancy. She confirmed that the final payment received from the Respondent was a partial payment of £180 on 12 April 2021 and that no payments have been received since. When the Respondent vacated, the Applicant applied the tenancy deposit towards the arrears which had accrued, leaving a balance of rent arrears of £917.51, as per the payment schedule produced.
3. The Legal Member asked Ms Leonard some questions regarding the background circumstances. Ms Leonard confirmed that contact was made with the Respondent regarding the arrears and that he did engage with the Applicant. He was experiencing financial difficulties and had changed jobs and then lost a job and said he was applying for Universal Credit. Ms Leonard confirmed they had assisted him as much as possible and given him information on applying for benefits, etc. She advised that they never received any payments direct from Universal Credit. The Respondent did make some payment proposals and said that he would make payment when he secured another job and that his mother would provide him with some money to make payment, but no payments were forthcoming. Eventually, the Respondent gave up the tenancy and Ms Leonard understands that he has gone back to live with his parents. There has been no contact with the Respondent since these Tribunal proceedings were brought. Her last contact with the Respondent was in January 2022 when he said he would be back in touch, but he never was. Ms Leonard confirmed they would like an Order to be granted today.

Findings in Fact

1. The Applicant is the owner and landlord of the Property.
2. The Respondent was the tenant of the Property by virtue of a Private Residential Tenancy which commenced on 30 June 2020.

3. The Respondent vacated the Property on or around 15 July 2021.
4. The rent in respect of the tenancy was £103.84 per week.
5. The tenancy deposit was £450.
6. The rent was paid regularly and approximately monthly (in payments of £450) by the Respondent until around February 2021 but the only payment received after that was a partial payment of £180 on 12 April 2021.
7. No payments have been received towards the rent since 12 April 2021.
8. The Applicant and Respondent were in contact regarding the arrears. The Respondent made some offers of payment but no further payments were forthcoming.
9. The rent arrears outstanding when the Respondent vacated the Property amounted to £1,367.51 to which the tenancy deposit of £450 was applied, reducing the arrears to £917.51.
10. £917.51 was the amount outstanding when this Tribunal application was submitted on 20 January 2022 and remains the sum claimed.
11. The Respondent has not submitted any written representations, nor sought time to pay, in respect of this application. The Respondent did not attend the CMD.
12. The sum of £917.51 is due and resting owing by the Respondent to the Applicant in respect of rent arrears incurred during the tenancy and has not been paid by the Respondent.

Reasons for Decision

1. The Legal Member considered all of the background papers, including the application and supporting documentation and the oral submissions made by the Applicant's representative at the CMD. The Legal Member noted that no representations had been made by the Respondent and that he did not attend the CMD, having been properly and timeously notified of same. The Legal Member considered that there was nothing to contradict the information from the Applicant and therefore no requirement to continue the application to an Evidential Hearing. The Legal Member was satisfied that, in the circumstances, a payment order in terms of the application could properly be made at the CMD.
2. The Legal Member was satisfied from the information before her that the sum of £917.51 in unpaid rent is due and resting owing by the Respondent and that an order for payment in that sum should accordingly be made.

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.



Legal Member/Chair

9 May 2022

Date