



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber)**

Chamber Ref: FTS/HPC/CV/20/0326

Re: Property at 61 Urquhart Road, Aberdeen, AB24 5NA (“the Property”)

Parties: Mohammed Hussain Mehrabadi, residing at 374 Great Western Road, Aberdeen, AB10 6PH (“the Applicant”)

Veress Noemi and Catalin Robert Milos, formerly residing at 61 Urquhart Road, Aberdeen, AB24 5NA (“the Respondents”)

Tribunal Members:

Paul Doyle (Legal Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment should be made.

Background

The Applicant sought an order for payment of £5,390.00 made up of rental arrears totalling £3,390.00 and damages of £2,000.00. The Applicants had lodged with the Tribunal Form F. The documents produced were a Tenancy Agreement, a calculation of arrears of rental and photographs of damage caused to the property. A copy title sheet was lodged with the Tribunal which showed that the applicant is joint heritable proprietor of the Property.

Case Management Discussion

A case management discussion took place before the Tribunal at 10.00am on 10 September 2020. The Applicant was present, but unrepresented. The respondents were neither present nor represented. Notification of the time date and place of this hearing was served on both respondents by advertisement on the Service by Advertisement page of the website of the First-tier Tribunal for Scotland Housing and Property Chamber from 06/08/2020 until 10/09/2020. The hearing was delayed until

10.12 to ensure that the respondents had sufficient opportunity to participate. I am satisfied that I can justly determine this case in the respondents' absence.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicants and the Respondents entered into a Short-Assured Tenancy Agreement for the Property which started on 16/01/2018.
2. The period of the Lease was from 16/01/2018 until 16/07/2018 and thereafter on a month to month basis.
3. The initial rent in terms of the Tenancy Agreement was £500 per month.
4. Between 1 May 2019 and 1 January 2020 the respondents should have made rental payments totalling £5,000.00. They fell behind in the rental payments and, over that period, only paid a total of £1,610.00 towards the total rental due. By 1 January 2020 rent arrears of £3,390 had accrued.
5. During the tenancy the respondents damaged the furniture, fittings and fixtures within the property. On termination of the tenancy the applicant had to refurbish the property and replace the furniture, fittings and fixtures. The total cost of necessary repairs and replacement was many thousands of pounds. The applicant seeks a token payment of £2,000.00 towards the cost of repairs and refurbishment for which the respondents are responsible.
6. The respondents owe the applicant more than £5,390.00. The applicant restricts his claim to £5,390.00. The respondents offer no resistance to the application
7. The applicant is entitled to a payment order against the respondents jointly for £5,390.00.

Reasons for the Decision

The Tribunal determined to make an Order for payment of £5,390.00. Rent was lawfully due in terms of the Tenancy Agreement at the rate of £500 per month. Between May 2019 and January 2020, the respondents failed to pay the total rental due so that by the time they vacated the property rent arrears of £3,390.00 had built up. The respondents are responsible for damaging the furniture, fixtures and fittings within the property. The cost of necessary repairs exceeds £2,000. There is a total sum due to the applicant by both respondents of £5,390.00.

Decision

For the foregoing reasons, the Tribunal determined to make an Order for payment.

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.

P Doyle

Legal Member

Date 10 September 2020