



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/20/0349

Re: Property at 2B Seagate, Peterhead, AB42 1RR (“the Property”)

Parties:

Julius Zemulis, 3 St Peter Street, Peterhead, AB42 1RR (“the Applicant”)

Mr Janis Merga and Ms Inese Merga, 12 Victoria Street, Portknockie, Buckie, AB56 4LQ (“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 the sum of One thousand and thirty two pounds and seventy five pence (£1032.75) Sterling

- 1 By application dated 30 January 2020 the Applicant sought an order for payment of rent arrears against the Respondent. In support of the application the Applicant provided a copy Lease Agreement and Rent Account.
- 2 By Notice of Acceptance of Application 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 26th March 2020. A copy of the application paperwork was served upon the Respondents by Sheriff Officers on 25th February 2020.
- 3 Following the imposition of restrictions arising from the Covid-19 pandemic the Case Management Discussion was postponed to 10th July 2020. A direction was issued to the parties by the Chamber President confirming that the Case

Management Discussion would take place by teleconference. Notification of the date and time, together with instructions on how to join the teleconference was intimated to the Applicant by email and the Respondents by recorded delivery mail on 11 June 2020.

The Case Management Discussion

- 4 The Case Management Discussion took place on 10 July 2020 by teleconference. The Applicant was in attendance. Neither Respondent was present.
- 5 Having noted that the application paperwork had been served personally on the Respondents by Sheriff Officers in the first instance, and that notification of the postponed Case Management Discussion had been sent by recorded delivery to the address where Sheriff Officers had confirmed they were resident, the Legal Member determined to proceed with the Case Management Discussion in their absence having been satisfied that they had received proper notification of the date, time and procedures for joining the tele-conference.
- 6 The Applicant confirmed that he was seeking an order for payment in the sum of £1032.75. The Respondents had taken up the tenancy in January 2018, with a rental obligation of £550 per month. They had left the property without giving the required notice and this did not come to light until the Applicant carried out an inspection on 10 January 2020. He had therefore calculated the tenancy as having terminated on 7 February 2020 to accord with the required notice period. The Applicant confirmed that the last time he had received any contact from the Respondents was in January 2020 when they had been in touch to request a rent statement. This had been provided to them but there had been no further contact.

Findings in Fact and Law

- 7 The parties entered into a Short Assured Tenancy Agreement in respect of the property dated 26 January 2018.
- 8 In terms of the said Tenancy Agreement the Respondents are due to pay rent of £550 per month.
- 9 The tenancy terminated on 7 February 2020. As at the date of termination arrears in the sum of £1032.75 were outstanding.
- 10 The Respondents are liable for payment of the said sum of £1032.75 in terms of the Tenancy Agreement between the parties.

- 11 Despite repeated requests the Respondents have refused or delayed to make payment of the sums due.

Reasons for Decision

- 12 The Tribunal was satisfied that the Respondents had received proper notification of the application and the Case Management Discussion. The Tribunal therefore considered it was able to continue with the Case Management Discussion in the absence of the Respondents. The Tribunal was further satisfied 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.
- 13 Having considered the terms of the tenancy agreement and rent statement produced by the Applicant, and based on its findings in fact, the Tribunal was satisfied that the Respondents were liable to pay the sum of £1032.75. The Tribunal accepted the evidence of the Applicant that the Respondents had a contractual obligation to make payment of rent at the rate of £550 per month. The Respondents had not sought to dispute the terms of the application and there was no evidence before the Tribunal to contradict the position put forward on behalf of the Applicant. The Tribunal therefore made an order for payment 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.

R O'Hare

10 July 2020

Legal Member/Chair

Date