



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 2016

Chamber Ref: FTS/HPC/CV/19/0686

Re: Property at 51 Maiden Street, Peterhead, AB42 1EE (“the Property”)

Parties:

Allan Gardner, c/o Solaris Properties, 3 St Peter Street, Peterhead, AB42 1RR (“the Applicant”)

Mr Maciej Wisniewski, formerly residing at 51 Maiden Street, Peterhead and whose present whereabouts are unknown (“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 in the sum of Four thousand eight hundred pounds against the Respondent

- **Background**

- 1 By application dated 4 March 2019 the Applicant sought an order for payment against the Respondent in relation to unpaid rent arrears in the sum of £4800.
- 2 In support of the application the Applicant submitted a Short Assured Tenancy Agreement between the Applicant and Respondent, copy Rent Account and a letter confirming a payment agreement with the Respondent.
- 3 On the basis that the Respondent’s whereabouts were unknown the Tribunal agreed that the application could be served by advertisement on the Tribunal’s website. Service was effected between 2nd July 2019 and 12th August 2019.

- **The Case Management Discussion**

- 4 The Case Management Discussion took place on 12th August 2019. The Applicant Allan Gardner was present and accompanied by Julius Zemilius from Solaris Properties.
- 5 The Tribunal clarified that Mr Gardner was the owner and landlord of the property. The Tribunal therefore agreed to amend the application to reflect this. Mr Zemulis advised that there had been no contact from the Respondent and no payments.

- **Reasons for Decision**

- 6 The Tribunal was satisfied that it was able to take a decision at the Case Management Discussion and that to do so would not be prejudicial to the interests of the parties. The Tribunal was satisfied that service had been properly effected by advertisement and that the Respondent had received proper notification of the Case Management Discussion. He had not sought to challenge the claim put forward by the Applicant.
- 7 The Tribunal therefore accepted based on the written and verbal representations from the Applicant that the Respondent was due to pay the sum of £4800 in accordance with the terms of the contractual tenancy agreement between the parties. On that basis the Tribunal determined to make an order in that sum.

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

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Legal Member/Chair

12/8/19

Date