

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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### **Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71(1) of the Private Housing (Tenancies) (Scotland) Act 2016**

**Chamber Ref:** FTS/HPC/CV/22/2392

**Property Address:** 23 Spital, Aberdeen AB24 3HT ("the property")

**The Parties:** Mr Abdul Razzak Al-Gurnawi, Ms Emma Yvonne Gray,  
2 Cothal Cottage, Aberdeen AB21 0HU ("the applicant")

Mr Drew Turnbull, 14C Raeburn Place, Aberdeen AB25  
1PS ("the respondent")

### **Tribunal Members:**

Mr Mark Thorley (Legal)

### **Decision**

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the tribunal") made an order for payment by the respondent to the applicant of the sum of Ninety Pounds (£90.00) payable in three monthly instalments with the first instalment on 10 November 2022.

### **Background**

1. The applicant applied to The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the tribunal") by application dated 19 July 2022.
2. Accompanying the application were various documents including the Private Residential Tenancy Agreement dated 13 August 2021 and also various other email documentation.
3. The application was acknowledged by the tribunal on 20 July 2022. On 12 August 2022 the application was accepted for determination. A case management discussion was assigned for 26 October 2022. No written representations were received from the respondent.

## **Case Management Discussion**

4. At the case management discussion both Mr Al-Gurnawi and Ms Gray attended. Mr Turnbull was also present on the teleconference hearing.
5. Mr Turnbull accepted that there was money still outstanding following upon the termination of the rent. There was some discussion in relation to the issue of whether any rent was returnable but the rent was being paid through universal credit and accordingly any potential payment would not be due to the respondent.
6. In the circumstances the respondent accepted that he was due to pay the sum of £90 being the sum that was sought. He continued to be in receipt of universal credit. He indicated that he required time to pay. He offered payment at the rate of £30 per month with the first payment being on 10 November 2022.
7. This was acceptable to the applicant.

## **Findings in Fact**

8. The parties entered into a Private Residential Tenancy Agreement dated 13 August 2021 in respect of the property at 23 Spital, Aberdeen AB24 3HT.
9. Following upon the termination of the tenancy there was a sum outstanding to the applicant of the sum of £90.

## **Reasons for decision**

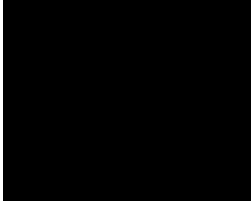
The parties were able to discuss the outstanding amount of money at the case management discussion. The respondent accepted that the sum of £90 was due. There was some discussion in relation to whether any rent was due to be returned. However it was accepted that rent was being paid by way of universal credit and accordingly the respondent himself was not due that sum back.

The respondent remains in receipt of universal credit. As a result his next payment is on 10 November 2022. He wishes to make payment over three months at the rate of £30 per month. Accordingly an order was made for payment of £90 with a time to pay at £30 per month with the first payment being on 10 November 2022.

## **Outcome**

To grant an order of payment by the respondent to the applicant in the sum of £90 with time to pay at the rate of £30 per month commencing 10 November 2022.

**NOTE:** This document is not confidential and will be made available to other First-tier Tribunal for Scotland (Housing and Property Chamber) staff, as well as issued to tribunal members in relation to any future proceedings on unresolved issues.



**Legal Member:** Mr Mark Thorley

**Date:** 26 October 2022