



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016.

Chamber Ref: FTS/HPC/CV/21/0838

Re: Property at 20 Kirkside Court, Westhill, Aberdeenshire, AB32 6LT (“the Property”)

Parties:

Mr Neil McKenzie, Mrs Laura McKenzie, Ben Ledi, Old Skene Road, Westhill, AB32 6TX (“the Applicant”)

Lorna Burr, 20 Kirkside Court, Westhill, Aberdeenshire, AB32 6LT (“the Respondent”)

Tribunal Member:

Lesley-Anne Mulholland (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted an order against the Respondent for payment of the sum of £3,000 to the Applicants.

1. This is an application under Rule 111 for a Payment Order.
2. The Applicants are the rightful owners of the property at 20 Kirkside Court, Westhill, Aberdeenshire, AB32 6LT. The Respondent is the tenant. She entered into a tenancy agreement on 30 September 2020. The tenancy agreement

specifies that £500 is due in respect of rent each calendar month payable in advance.

3. The Applicants assert that the Respondent has accrued rent arrears, as at the date of the application, in the sum of £3,000.
4. The Case Management Discussion took place at 14.00 am on 14 June 2021. The hearing preceded remotely by telephone conference. The Applicants joined the hearing. I am grateful to them both for their patience and understanding. I was satisfied that the hearing was fair and that the applicants were able to put their points across and that we could hear each other. No obvious issues arose.
5. The Respondent has failed to engage with the application and did not attend the hearing. I decided to continue in the Respondent's absence after satisfying myself that all the relevant paperwork had been properly served on the Respondent and that she was notified of today's hearing.
6. Mr McKenzie informed me that the Respondent remains in the property and has continued to accrue rent arrears. She paid the deposit and 1 month's rent in advance on 30 September 2020 but has failed to pay anything else from 1 October 2020. At the date of the application, the rent arrears were in the sum of £3,000. Since then, the Respondent has failed to make any payments however the Applicants do not wish to make an amendment of the sum sued for and instead shall consider making a further application for any additional amount accrued since the application was made.
7. As can be seen from the rent schedule, I am satisfied that the Respondent fell into arrears on the 30 October 2020 and has remained in arrears since then. It is clear from the Schedule of Rent Payments and copy bank statements that the Respondent has made no attempt to bring the rent account up to date. The arrears are substantial and have remained so over a considerable period of time.
8. The Respondent has not engaged with the Housing and Property Chamber in anyway. Accordingly, I am satisfied that the Applicants are entitled to a Payment order in the sum of £3,000.00 representing arrears to 30 March 2021. I am satisfied that the Respondent has no intention of paying that sum as evidenced by her failure to make any payment or enter into discussions with the Applicants.

9. As stated before, the Respondent has failed to engage with the application. As such there is no challenge to the sum sued for and no time to pay application has been made. I am satisfied, having regard to the tenancy agreement, rent payment schedule and bank statements, that the sum sued for is owed by the Respondent to the Applicants. Accordingly, I have decided to grant a Payment Order in the sum of £3,000.

L.M.

Legal Member/Chair

Date 14 June 2021

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.