

**Housing and Property Chamber**  
First-tier Tribunal for Scotland



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber) under Section 16 of the Housing (Scotland)  
Act 2014**

**Chamber Ref: FTS/HPC/CV/19/1389**

**Re: Property at 2 Walton Road, Bucksburn, Aberdeen, AB21 9TX (“the  
Property”)**

**Parties:**

**University Court of the University of Aberdeen, King’s College, Aberdeen,  
AB24 3FX (“the Applicant”)**

**Miss Nicola McLaughlin, 2 Walton Road, Bucksburn, Aberdeen, AB21 9TX  
 (“the Respondent”)**

**Tribunal Members:**

**Helen Forbes (Legal Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
Tribunal”) determined that an order for payment in the sum of £4,600 should  
be granted.**

**Background**

By application dated 7<sup>th</sup> May 2019, the Applicant sought an order for payment in respect of unpaid rent amounting to £5,000. Parties had entered into a Short Assured Tenancy in respect of the Property on 1<sup>st</sup> Jun 2017. The monthly rent was £550. Notification of the Case Management Discussion together with all the relevant documentation was served upon the Respondent by Sheriff Officers instructed by the Housing and Property Chamber on 4<sup>th</sup> June 2019. No written representations were received on behalf of the Respondent.

**Case Management Discussion**

There was a Case Management Discussion at the Credo Centre, 14-16 John Street, Aberdeen on 4<sup>th</sup> July 2019. The Applicant was represented by Mr Angus Donaldson, Director of Estates and Facilities. The Respondent was not present or represented. The Tribunal was satisfied that the Respondent was aware of the Case Management

Discussion in terms of Rule 24(1) of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 as amended ("the Rules"). Accordingly, the Tribunal considered it appropriate to proceed with the Case Management Discussion in terms of Rule 29.

Mr Donaldson said that the Respondent was in arrears of rent in the sum of £4,600. Two payments of £200 each had been made towards the rent account since the application was lodged. The Respondent had been given many opportunities in the past with several payment plans that were not adhered to, and many broken promises of payment by the Respondent. The only contact of which he was aware was an email from the Respondent the previous day mentioning damage to her car due to a faulty gate.

### **Findings in Fact**

1. Parties entered into a Short Assured Tenancy in respect of the Property on 1<sup>st</sup> Jun 2017 at a monthly rent of £550.
2. The Respondent was in arrears of rent in the sum of £5,000 at the date of lodging the application on 7<sup>th</sup> May 2019.
3. At the date of the Case Management Discussion, the Respondent was in arrears of rent in the sum of £4,600.
4. Rent lawfully due by the Respondent to the Applicant had not been paid.

### **Reasons for Decision**

The Respondent has failed to make payment of rent lawfully due in terms of the tenancy agreement between the parties. The Applicant is entitled to recover the rent lawfully due.

### **Decision**

The Tribunal makes an order for payment in the sum of £4,600 to be paid by the Respondent to the Applicant.

### **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.**

Helen Forbes

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**Legal Member/Chair**

*Helen Forbes*  
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**Date**