



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 (1) of the Private Housing (Tenancies) (Scotland) Act 2016 and Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“The Regulations”).**

**Chamber Ref: FTS/HPC/CV/22/1032**

**Re: Property at 258 Stoneywood Brae, Aberdeen, AB21 9FA (“the Property”)**

**Parties:**

**Crucible Residential Properties Ltd, One Curzon Street, London, W1J 5HD (“the Applicant”)**

**Dandara Living, Stoneywood Brae, Aberdeen, AB21 9FA (“the Applicant’s Representative”)**

**Mr Christopher McWilliam, 1 Marshal Keith Drive, Peterhead, Aberdeenshire, AB42 3FH (“the Respondent”)**

**Tribunal Member:**

**Martin McAllister (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Respondent pay the sum of Two Thousand Nine Hundred and Nine Pounds Fifty Pence (£2,909.50) to the Applicant.**

**Background**

- 1. This is an application seeking a payment order. It is dated 30<sup>th</sup> March 2022. The Application states that the Applicant is seeking payment in respect of arrears of rent amounting to £3,009.75.**

## **Case management Discussion**

2. A case management discussion was held by audio conference on 31<sup>st</sup> August 2022. Ms Rita Valiukaite of the Applicant's Representative was present.
3. There was no appearance from the Respondent.

## **Preliminary Matters**

4. The purpose of a case management discussion was explained.
5. The tribunal noted that it had a Certificate of Service from Sheriff Officers confirming that the papers concerning the case management discussion including its date and time had been served on the Respondent on 26<sup>th</sup> July 2022.
6. Ms Valiukaite indicated that she saw no reason for the need for a Hearing to be fixed to determine the application.

## **Findings in Fact**

- 7.1 The Parties entered into a private residential tenancy agreement in respect of the Property on 28<sup>th</sup> February 2019.
- 7.2 The tenancy commenced on 28<sup>th</sup> February 2019 and terminated on 3<sup>rd</sup> September 2019.
- 7.3 The Respondent was contractually bound to pay monthly rent for the Property at a rate of £780 per month.
- 7.5 There are rent arrears of £2,909.50.

## **Reasons for Decision**

8. The tribunal had before it the application, the private residential tenancy agreement, rent statement showing the sum of arrears to be £3,009.75 and Certificate of Citation. The tribunal also had a number of emails sent by the Applicant's Representative relating to arrears of rent.
9. Ms Valiukaite said that the statement did not take into account a payment made by the Respondent and said that she wanted to amend the sum claimed to be £2,909.50.
10. Ms Valiukaite referred to the tenancy deposit and said that this had been used to reduce the level of arrears and that the sum sought is the net figure due.
11. The tribunal considered that it had sufficient information to determine the application without a Hearing. It noted that the Respondent had not made representations or appeared at the case management discussion despite having its date intimated to him.

- 12. Ms Valiukaite said that the tenancy agreement allowed for interest but she conceded that no interest calculation had been submitted to the Tribunal and that she was therefore prepared to waive any claim for interest.**
- 13. The tribunal determined that, on the basis of the rent statement and the submissions of Ms Valiukaite, it was appropriate to find that there are arrears of rent amounting to £2,909.50. It accepted that the respondent had been given adequate notice of the sum being claimed.**
- 14. The tribunal did not consider it appropriate to exercise its discretion for an order in respect of interest to be made.**

### **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.**

**Martin J. McAllister  
Legal Member, First-tier Tribunal  
31<sup>st</sup> August 2022**