



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber)**

Chamber Ref: FTS/HPC/CV/23/0400

Re: Property at 5 Boghead Cabin, Kintore, Aberdeenshire, AB51 0XD (“the Property”)

Parties:

Mr Kenneth Marshall, Mr Charles Marshall, Chapel Works, Bucksburn, Aberdeen, AB51 9TL (“the Applicant”)

Mr Andrew Scott, 17 Balgownie Crescent, Bridge of Don, Aberdeen, AB23 8EJ (“the Respondent”)

Tribunal Members:

Virgil Crawford (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that

BACKGROUND

1. By Private Residential Tenancy agreement dated 18th August 2020 the Applicant let the Property to a tenant, Rachel Lawrie;
2. The rent payable was £850.00 per calendar month;
3. The Respondent guaranteed payments due by Rachel Lawrie and Clause 37 of the Private Residential Tenancy Agreement had been completed with his details and signed by him;
4. The tenant fell into arrears of rent. The Applicants presented an application to the Tribunal seeking an order for payment. As at the date of the application the amount outstanding was £2,700.00;

THE CASE MANAGEMENT DISCUSSION

5. A Case Management Discussion was held by teleconference at 2pm on 28th April 2023. The Applicant was represented by Mr Charles Marshall. The Respondent did not participate in the case management discussion. The Tribunal, however, was in receipt of a certificate of intimation by Sheriff Officers confirming that the proceedings had been intimated upon the Respondent. In the circumstances, the Tribunal was satisfied in terms of Rule 24 of the First Tier Tribunal for Scotland Housing and Property Chamber) Procedure (Regulations 2017 (“the FTT Regs”) that the Respondent had received intimation of the date and time of the Case Management Discussion and considered it was appropriate to proceed with the Case Management Discussion in the absence of the Respondent in accordance of Rule 29 of the FTT Regs;
6. Mr Marshall, on behalf of the Applicant, advised that the arrears had been reduced and were now £1,400.00. He advised that he did not know whether these payments were being made by the tenant or by the Respondent. He also advised, however, that, given that a further rental payment is due in the very near future, he expects the arrears will increase again. As at the date of the Case Management Discussion, however, the arrears outstanding were £1,400.00.
7. In the circumstances, and having regard to the upper Tribunal decision of *Woro v Brown* 2022UT28, there being no opposition to the application and there being no basis for the Tribunal not to grant the payment order sought, an order for payment in the sum of £1,400.00 is made.

DECISION

The Tribunal granted an order against the Respondent for payment of the sum of ONE THOUSAND FOUR HUNDRED POUNDS (£1,400.00) STERLING to the Applicants

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.

V Crawford

Legal Member/Chair

**28 April 2023
Date**