



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

Reference number: FTS/HPC/CV/21/2755

Parties:

Kenneth Maclean, residing at 5 The Chesters, Oldmeldrum, Aberdeenshire, AB51 0HB ("the Applicant")

Greg Reid, residing at 18 Gort Road, Aberdeen, AB24 2YT ("the Respondent")

The Property : 452 Holburn Street, Aberdeen, AB10 7PB

Tribunal Members:

Paul Doyle (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 should be made.

Background

The Applicant sought an order for payment of rental arrears totalling £1,110. The Applicant had lodged with the Tribunal Form F. The documents produced included a Tenancy Agreement and a statement of outstanding rent. A copy title sheet was lodged with the Tribunal which showed that the applicant is the heritable proprietor of the Property.

Case Management Discussion

A hearing took place by telephone conference at 11.30am on 18 January 2022. The applicant was present and unrepresented. There was no appearance by or on behalf of the Respondent.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent entered into a Private Residential Tenancy Agreement for the Property on 1 August 2020.
2. The agreed rent in terms of the Tenancy Agreement was £370 per month. The tenant only paid monthly instalments of rent until November 2020
3. The Respondent has failed to make payment of rent since November 2020. He vacated the property in September 2021. On 29 June 2021 the First tier Tribunal for Scotland granted a payment order against the respondent in the sum of £2,590.
4. By the time the respondent vacated the property, rent arrears totalled £3,700. Once account is taken of the payment order already made, the respondent remains due and resting owing to the applicant in the sum of £1,110, which is the sum applied for.
5. Notice of the date of this hearing was served on the Respondent by the tribunal on 10 December 2021.

Reasons for the Decision

The Tribunal determined to make an Order for payment of £1,110. Rent was lawfully due in terms of clause 8 of the Tenancy Agreement at the rate of £370 per month. By the time the respondent vacated the property, rent arrears totalled £3,700. Once account is taken of the payment order already made, the respondent remains due and resting owing to the applicant in the sum of £1,110, which is the sum applied for.

Decision

For the foregoing reasons, the Tribunal determined to make an Order for payment.

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.

Where such an appeal is made, the effect of the decision and of any order is suspended until the appeal is abandoned or finally determined by the Upper Tribunal, and where the appeal is abandoned or finally determined by

upholding the decision, the decision and any order will be treated as having effect from the day on which the appeal is abandoned or so determined.

P. Doyle

Legal Member

Date 18 January 2022