



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) in terms of 17 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”)
In respect of an application under Section 71(1) of the Private Housing (Tenancies) (Scotland) Act 2016 (“the Act”) and Rule 111 of the Rules**

Chamber Ref: FTS/HPC/CV/22/0397

Re: Property at 11 Faithlie Street, Fraserburgh, AB43 9LJ (“the Property”)

Parties:

Mrs Grace Taylor, Rabey Villa, Blaweane Road, Sanquhar, DG4 6BS (“the Applicant”) per her agents Trinity Factors, 1, South Mount Street, Aberdeen, AB25 2TN (“the Applicant’s Agents)

Mr Brian James Kerr residing formerly at 11 Faithlie Street, Fraserburgh, AB43 9LJ and now at 42 West Street, Fraserburgh, AB43 9NE. (“the Respondent”)

Tribunal Members:

Karen Moore (Legal Member) and Ahsan Khan (Ordinary 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 THREE THOUSAND ONE HUNDRED AND FIFTY POUNDS (£3,150.00) Sterling

Background

1. By application received between 10 February 2022 and 1 March 2022 (“the Application”), the Applicant’s Agents applied to the Tribunal for an Order for payment of rent arrears of £3,150.00 arising from a tenancy between the Parties. The Application comprised a statement of rent amounting to £2,330.14 due and owing to 12 December 2021 and an updated statement of rent amounting to £3,150.00 due and owing as at 1 March 2022. The Application was accepted by the Tribunal and a Case Management Discussion (the “CMD”) was fixed for 28 March 2022 at 10.00 by telephone conference. The CMD was intimated to the Parties, intimation to the Respondent being by service by Sheriff Officer at his current address.

CMD

2. The CMD took place on 28 March 2022 at 10.00 by telephone. The Applicant did not take part and was represented by Ms. Rachel MacDonell of the Applicant's Agents. The Respondent did not take part and was not represented. He did not submit any written representations.
3. Ms. McDonell confirmed the sum sought and advised that the Respondent appeared to have vacated the Property without formally giving notice to terminate the tenancy agreement. She explained that the Applicant had followed the statutory procedures to seek a termination of the tenancy on the ground that the Respondent no longer occupies the Property.

Findings in Fact

4. From the Application and the CMD, the Tribunal made the following findings in fact: -
 - i) There is a tenancy of the Property between the Parties at a monthly rent of £450.00;
 - ii) The Respondent no longer occupies the Property but has not terminated the tenancy agreement;
 - iii) The Respondent remains liable for the rent due and
 - iv) Rent amounting to £3,150.00 is outstanding and due and owing by the Respondent to the Applicant.

Decision

5. Having made those findings, the Tribunal had regard to Rule 17(4) of the Rules which states that the Tribunal "may do anything at a case management discussionincluding making a decision" and so proceeded to make an order for payment in the sum of £3,150.00

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.

K Moore

Legal Member: Karen Moore

Date: 28 March 2022