



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber) under Section 71 Private Housing Tenancies  
(Scotland) Act 2016**

**Chamber Ref: FTS/HPC/CV/20/1490**

**Re: Property at 31 Burnside Walk, Dyce, Aberdeen, AB21 7HD (“the Property”)**

**Parties:**

**Mrs Sarah Morrison, 4 Wellside Gardens, Kingswells, Aberdeen, AB15 8EU (“the Applicant”)**

**Mr Scott Fraser, 46 Gordondale House, Gordondale Road, Aberdeen, AB15 5LZ (“the Respondent”)**

**Tribunal Members:**

**Josephine Bonnar (Legal Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment of the sum of £3967.12 should be granted against the Respondent in favour of the Applicant.**

**Background**

1. By application received on 9 July 2020, the Applicant seeks an order for payment in relation to unpaid rent. The sum specified in the application is £3967.12. A copy tenancy agreement and rent statement were lodged in support of the application.
2. A copy of the application was served on the Respondent by Sheriff Officer on 21 August 2020. Both parties were advised that a Case Management Discussion (“CMD”) would take place by conference call on 18 September 2020 at 11.30am.

3. The application called for a CMD by telephone conference call at 11.30am on 18 September 2020. The Applicant was represented by Mr Kingdon. The Respondent also participated.

### **Case Management Discussion**

4. Mr Kingdon advised the Legal Member that the Applicant seeks a payment order for the sum of £3967.12, being the sum currently owed in unpaid rent. Mr Fraser advised that did not dispute the sum claimed. After deduction of the deposit of £1000, he accepts that this sum is still outstanding. He further advised that was in employment until 25 August 2020, when he was made redundant. He is due to receive a redundancy payment at the end of September and intends to make payment in full to the Applicant from this payment, no later than 1 October 2020. Mr Kingdon advised that he was still seeking an order for payment in case the proposed payment is not received. Mr Fraser confirmed that he did not oppose the granting of a payment order.
5. The Legal Member noted that the Respondent had not submitted a time to pay application. In any event, the Respondent had confirmed that payment in full was to be made by 1 October 2020, during the appeal period and before the Order would be issued to the Applicant. The Respondent confirmed that he was not seeking a time to pay order.

### **Findings in Fact**

6. The Applicant is the owner and landlord of the property.
7. The Respondent was the tenant of the property in terms of a private residential tenancy agreement.
8. The Respondent vacated the property on or about 8 June 2020.
9. In terms of the tenancy agreement the Respondent was due to pay rent at the rate of £1000 per calendar month.
10. The sum of £3967.12 is due to the Applicant in unpaid rent.

### **Reasons for Decision**

11. The Legal Member is satisfied that the Respondent entered into a tenancy agreement with the Applicant and undertook to pay rent at the rate of £1000 per month. The tenancy ended on or about 8 June 2020. Between 10 January and 8 June 2020, the Respondent incurred rent arrears in the sum of £4967.12. He has made no payments toward this sum. On 3 July 2020, the Applicant received the sum of £1000 from the tenancy deposit scheme which was applied

to the arrears. After deduction of this sum the, the balance owing to the Applicant is £3967.12. This is not disputed by the Respondent. The Legal Member is satisfied that the Applicant is entitled to a payment order for this sum.

12. The Legal Member concludes that an order for payment should be granted against the Respondent.

### **Decision**

13. The Legal Member determines that an order for payment of the sum of £3967.12 should be granted against the Respondent.

### **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.**

# J Bonnar

Josephine Bonnar, Legal Member

18 September 2020