



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) in terms of Rule 17(4) of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”) in respect of an application under Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”) and Rule 111 of the Rules

Re: Property at 5 Grampian Place, First Floor Left, Torry, AB11 8ET (“the Property”)

Parties:

Mr Richard Matthew, 12 Charleston Road North, Cove Bay, AB12 3ST (“the Applicant”) per his agents Jackson Boyd Lawyers, Centenary House. 69, Wellington Street, Glasgow G2 6HG (“the Applicant’s Agents”)

Mr Jed Wyllie, 5 Grampian Place, First Floor Left, Torry, AB11 8ET (“the Respondent”)

Tribunal Members:

Karen Moore (Legal Member) and Elizabeth Williams (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 THREE HUNDRED AND THIRTY EIGHT POUNDS (£3,338.00) Sterling together with interest at 8 per centum per annum be granted.

Background

1. By application received 4 May 2023 (“the Application”), the Applicant’s Agents applied to the Tribunal for an Order for payment of rent due and owing by the Respondent to the Applicant together with interest thereon.
2. The Application comprised the following:
 - i) copy private residential tenancy agreement between the Parties showing a monthly rent of £310.00;
 - ii) copy rent statement showing arrears of £2,098.00 due and owing at 21 April 2023 and
 - iii) pre-action requirement letters sent to the Respondent.

3. The Application was accepted by the Tribunal Chamber and a Case Management Discussion (the "CMD") was fixed for 8 August 2023 by telephone conference, which CMD was adjourned for the sum sought to be amended. A further CMD was fixed for 1 November 2023 and adjourned to 8 December 2023 for the Application to be conjoined with an eviction application between the Parties.
4. Prior to the further CMD, the Applicant's Agents submitted an updated rent statement showing that arrears of £3,958.00 are due and owing and on the date of that CMD submitted an updated rent statement showing that arrears of £3,338.00 are now due and owing

CMD

5. The CMD took place on 8 December 2023 at 10.00 by telephone. The Applicant was not present and was represented by Mr. J. McKeown of the Applicant's Agents. The Respondent was not present and was not represented. He did not submit written representations.
6. Mr. McKeown confirmed that the Applicant sought an Order for payment of £3,338.00 together with interest as set out in the tenancy agreement and in the Application. He submitted that the Respondent had not engaged with the Applicant or their letting agents in any way and had not made arrangements to reduce the arrears.

Findings in Fact

7. From the Application and the CMD, the Tribunal made the following findings in fact: -
 - i) There is a private residential tenancy of the Property between the Parties;
 - ii) The monthly rent is £310.00;
 - iii) There are rent arrears of £3,338.00 due and owing to the Applicant by the Respondent;
 - iv) The Applicant is entitled to interest on the sum due and owing.

Decision and Reasons for Decision

8. The issue for the Tribunal was to determine whether or not to grant the Order sought.
9. The ground for the Application, the statutory procedure being followed and the Application not being opposed, 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*". The Tribunal took the view that it had sufficient information to make a decision and so proceeded to determine the Application.
10. The Tribunal had regard to all the information before it and to its Findings in Fact and so granted an Order for Payment in the sum of £3,338.00 together with interest at 8% from the date of the Decision.

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.



Legal Member/Chair

8 December 2023.

Date