



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

Chamber Ref: FTS/HPC/CV/23/3773

Re: Property at 60 Greenburn Drive, Bucksburn, Aberdeen, AB21 9HB (“the Property”)

Parties:

Avril Milne, Mr Alex Milne, Fontllan, Main Road, Lumphanan, Banchory Kincardineshire, Aberdeenshire (“the Applicants”)

Rebecca Buna, Mr Simon Cadger, Gourdie Park Farmhouse, Potterton, Aberdeen, AB23 8US (“the Respondents”)

Tribunal Members:

Mary-Claire Kelly (Legal Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to grant an order for payment in the sum of ONE THOUSAND FOUR HUNDRED AND SIXTY-NINE POUNDS AND THIRTY-FOUR PENCE (£1469.34)

Background

1. By application dated 25th October 2023 the applicants seek an order for payment in respect of rent arrears.
2. The applicants lodged the following documents with the application:
 - Copy tenancy agreement
 - Rent statements
3. A case management discussion (“cmd”) was assigned for 29th January 2024.

Case management discussion – 29th January 2024- teleconference

4. The applicants were represented by Ms Atkinson, Office Manager from Belvoir Lettings. The respondents were not present or represented. The Tribunal noted that proper notice of the cmd had been given to the respondents and in particular, Sheriff Officers had served relevant papers on the respondents. The Tribunal determined to proceed with the cmd in the respondents absence in terms of Rule 29.
5. Ms Atkinson sought and order for payment in the sum of £1469.34. A rent accounts had been lodged which spanned the period from . They spanned the period from 1st May 2020 to 24th May 2023. Ms Atkinson advised that the respondents had moved out of the property in March 2022. She explained that they had begun to build up arrears during the covid pandemic. After they left the property they had continued to make payments towards the arrears however this stopped in May 2023 and nothing further had been paid since then leaving the total amount outstanding at £1469.34.
6. The rent payable in terms of the tenancy agreement had been £600 per calendar month.

Findings in fact

7. Parties entered in a tenancy agreement with a commencement date of 18th October 2019.
8. Monthly rent due in terms of the agreement was £600.
9. The respondent moved out of the property and terminated the lease in March 2022.
10. Outstanding arrears as at 25th October 2023 amounted to £1469.34.

Reasons for the decision

11. The Tribunal had regard to the application and the documents lodged by the applicant. The Tribunal also took into account oral submissions at the cmd.
12. The Tribunal took into account that the respondents had not lodged any defence to the application or disputed the sum sought in any way.
13. The Tribunal was satisfied that the arrears at the property amounted to £1469.34 as at the date of the cmd.

Decision

The Tribunal determined to grant an order for payment in the sum of one thousand four hundred and sixty-nine pounds and thirty-four pence.

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.

**Mary-Claire Kelly
Legal Member/Chair**

**29th January 2024
Date**