



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/23/3437

Re: Property at 30F St Andrews Street, Aberdeen, AB25 1JA (“the Property”)

Parties:

Parkhill Properties The Firm, Parkhill Properties The Firm, Craig Durward, 16 Keppleston Gardens, Aberdeen, AB16 4DH; David Souden, Orchard Grove Lodge, Kinellar, Aberdeenshire, AB21 0RZ (“the Applicant”)

Miss Dana Jamieson, 30F St Andrews Street, Aberdeen, AB25 1JA (“the Respondent”)

Tribunal Members:

Melanie Barbour (Legal Member) and Gordon Laurie (Ordinary Member)

Decision (in the absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to grant an order in favour of the Applicant against the Respondent for payment of SIX THOUSAND THREE HUNDRED AND FIFTY THREE POUNDS AND TWELVE PENCE (£6,353.12) STERLING

Background

1. An application had been received under Rule 111 of the First Tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017 (“the 2017 Rules”) seeking an order for payment.

2. The application contained the tenancy agreement, rent statement, notice to leave and pre-action requirements.
3. A case management discussion took place on 13 February 2024. In attendance was the applicant's agent, Chloe Baxter from Parkhill Properties (Aberdeen) Ltd. Notice of the CMD had been made by sheriff officers on 21 December 2023. The respondent did not appear. The tribunal was prepared to proceed in their absence given they had notice of today's CMD.

Discussion

4. The applicant's agent advised that the respondent currently owed £7,878.12 as at 13 February 2024. She advised she sought an order for payment for the sum of £6,353.12 as this was the figure shown in the rent statement when the application was made.
5. She had submitted the tenancy agreement showing that the rent was £750 a month and a rent statement. She advised that the arrears were increasing. There had been some contact with the respondent but there was no offer to repay the arrears. She advised that other than benefits the respondent had never made any payments to arrears.
6. She moved to amend the application into the names of Craig Durward and David Souden, who were the owners of the property and the managers of the firm Parkhill Properties The Firm. The tribunal agreed to this amendment.
7. She moved for an order for the reduced sum which was shown on the rent statement submitted with the application.

Findings in Fact

8. The Tribunal found the following facts established: -

9. There existed a private residential tenancy between Parkhill Properties The Firm and Dana Jamieson. It had commenced on 11 February 2019.
10. The tenant was Dana Jamieson.
11. The landlord was Parkhill Properties The Firm.
12. The heritable owners of the property were Craig Durward, 16 Keppleston Gardens, Aberdeen and David Souden Orchard Grove Lodge, Aberdeenshire.
13. The property was 30 St Andrews Street, F, City Centre, Aberdeen.
14. The tenancy stated that rent was £750 a calendar month payable in advance.
15. Rent arrears as of 11 August 2023 were £6,353.12.
16. The arrears as at 13 February 20224 were £7,878.12.

Reasons for Decision

17. Section 71 of the 2016 Act provides the Tribunal with the power to deal with civil matters arising out of private residential tenancies, failure to pay contractual rent, is one of those matters.
18. The applicant's agent appeared. The respondent did not appear. The applicant's agent confirmed that she sought an order for payment.
19. The tenancy contract provided that rent of £750 per month was payable by the tenant. The tenant had failed to pay all or some of that rent. As of 11 August 2023, the tenant owed £6353.12 in rent. She was in breach of contract with the landlord. The arrears had not reduced since the application was made.

20. Considering the papers and the oral submission by the applicant's agent, the tribunal was prepared to grant the order for payment of the amended sum.

Decision

21. The Tribunal grants an order in favour of the Applicant against the Respondent for payment of SIX THOUSAND THREE HUNDRED AND FIFTY THREE POUNDS AND TWELVE PENCE (£6,353.12) STERLING.

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.

**_Melanie
Bairbour** _____
_____ **Legal Member/Chair**

Date