



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71(1) of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/24/0836

Re: Property at 1 Station Road, Bucksburn, Aberdeen, AB21 9PG (“the Property”)

Parties:

LAR Housing Trust, F3 Buchan House, Carnegie Campus, Enterprise Way, Dunfermline, KY11 8PL (“the Applicant”)

Ms Kirah George, 33 Ashgrove Place, Elgin, IV30 1JU (“the Respondent”)

Tribunal Members:

Mark Thorley (Legal 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 by the respondent to the applicant in the sum of One Thousand Two Hundred and Sixty One Pounds and Eighty One Pence (£1,261.81) be made.

Background

1. The applicant applied to the First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) by application dated 19 February 2024. The application was acknowledged on 21 February 2024. The application was accepted for determination on 15 March 2024.
2. Accompanying the application was a copy of the Rent Statement, correspondence with the respondent and the Private Residential Tenancy Agreement.
3. The application was served on the respondent by sheriff officers depositing on 9 May 2024.
4. No written representations were received from the respondent.

Case Management Discussion

1. At the case management discussion there was no appearance by the respondent. Mrs Maxwell attended on behalf of the applicant.
2. She confirmed that the tenancy had come to an end on 31 October 2019. The respondent vacated herself. There were rent arrears at the time. Rent arrears had not been pursued vigorously at that time particularly bearing in mind the pandemic.
3. A significant amount of correspondence had been entered into with the respondent. At one stage the respondent indicated that she would make an instalment payment towards the outstanding sums.
4. She had failed to do so.
5. The respondent was described as a single person with no children.

Findings in Fact

1. The parties entered into a Tenancy Agreement for the rental of the property at 1 Station Road, Bucksburn, Aberdeen.
2. The property was rented from 16 May 2018 to 31 October 2019.
3. The respondent was due to pay the sum of £481.73 per month.
4. As at the termination of the tenancy the sum outstanding was £1,261.81.

Reasons for decision

1. The appellant's representative spoke to the outstanding arrears. There was a considerable amount of correspondence between the applicant and the respondent regarding the outstanding sum. At no stage had the respondent indicated that she was not due the sum set out. Indeed she had offered to make instalment payments.
2. The respondent did not attend at the case management discussion nor did she offer any written representation.
3. A copy of the Rent Statement was included within the papers.
4. The Tribunal accepted the paperwork and the amount outstanding and made an order to that extent.

Decision

To make an order for payment by the respondent to the application in the sum of One Thousand Two Hundred and Sixty One Pounds and Eighty One Pence (£1,261.81).

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.

Mark Thorley

11/06/2024

Legal Member

Date