



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber) under Section 16 of the Housing (Scotland)  
Act 2014**

**Chamber Ref: FTS/HPC/CV/22/1944**

**Re: Property at 470 (TFL) George Street, Aberdeen, AB25 3XH (“the Property”)**

**Parties:**

**Mrs Rebecca Jane Wilby as Attorney for Jeffrey Evans, 441 Trewyddfa Road,  
Morrison, Swansea, SA6 7QH (“the Applicant”)**

**, 470 (TFL) George Street, Aberdeen, AB25 3XH (“the  
Respondent”)**

**Tribunal Members:**

**Alison Kelly (Legal Member) and Ann Moore (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
Tribunal”) determined that the order for payment should be granted.**

On 20<sup>th</sup> June 2022 the Applicant lodged an Application with the Tribunal under Rule 109 of the First Tier Tribunal for Scotland (Housing and Property Chamber Rules of Procedure) 2017 (“The Rules”), seeking an order for payment of arrears of rent.

Lodged with the application were: -

1. Copy Tenancy Agreement with a commencement date of 21<sup>st</sup> August 2018 showing the rent as £395 per month;
2. Copy Notice to Leave dated 30<sup>th</sup> November 2021 to leave by 3<sup>rd</sup> June 2022;
3. Email dated 30<sup>th</sup> November 2021 by way of proof of service;
4. Rent Statement
5. Copy Power of Attorney dated 20<sup>th</sup> May 2019 appointing Rebecca Wilby as Attorney to the landlord, Jeffrey Evans

The Application was served on the Respondent by Sheriff Officers on 1<sup>st</sup> August 2022.

On 26<sup>th</sup> August 2022 the Applicant's solicitor lodged an application to amend the amount of arrears together with an up to date rent statement.

On 15<sup>th</sup> September 2022, the morning of the Case Management Discussion, the Respondent sent an email to the Tribunal. He said that he was in Estonia and had not received the papers until 11<sup>th</sup> September 2022. He said that the Applicant had not fulfilled contractual obligations of the tenancy including obtaining safety certificates, giving the wrong landlord registration number and not lodging his deposit in an approved scheme. He went on to say that he was presently unemployed, and in Estonia due to a family bereavement. He said that on returning to the UK he would seek employment and start paying rent asap. He said that his exact date of return is unknown.

### **Case Management Discussion**

The Case Management Discussion ("CMD") took place by teleconference. The Applicant was represented by Mr Doran of Raeburn, Christie, Clark and Wallace, Solicitors. The Respondent joined the call and represented himself.

The Chairperson explained the purposes of a CMD in terms of Rule 17 of the Rules.

The Tribunal asked Mr Doran to address them. He said that he was seeking to amend the application in terms of the email of 26<sup>th</sup> August 2022 and then an order for payment of the amount of rent arrears. He was also seeking interest at the rate of four per centum per annum.

The Tribunal allowed the amendment.

The Respondent said that he was opposing the order for payment. He said that the property was not up to standard. He reiterated his points about inspections and documents. He was adamant that the issues he had raised should be taken in to consideration.

The Tribunal asked if he had raised any of these issues with the landlord previously and he said that he had not. The tribunal did not consider in those circumstances that he had a defence to the application for payment.

### **Findings in Fact**

1. The parties entered into a Tenancy Agreement in respect of the property;
2. The Tenancy Agreement had a commencement date of 21<sup>st</sup> August 2018;
3. The rent initially was £395 per month;

4. The Applicant reduced the rent to £200 per month from March 2020 due to the coronavirus pandemic;
5. The Respondent owes rent of £3232.99.

### **Reasons for Decision**

The Tribunal thought that three per centum per annum was a reasonable rate of interest in the current economic climate. The sum of £3232.99 was owed by 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.**

**15<sup>th</sup> September 2022**

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**Legal Member/Chair**

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**Date**