



**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/23/4611**

**Re: Property at Milden Steading East, Balmedie, AB23 8YY (“the Property”)**

**Parties:**

**Mr Ian Grant, 16 Rubislaw Den South, Aberdeen, AB15 4BB (“the Applicant”)**

**Mr Scott Edwards, Ms Shannon Laird, UNKNOWN, UNKNOWN (“the Respondents”)**

**Tribunal Members:**

**Nicola Irvine (Legal Member)**

**Decision (in absence of the Respondents)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted an Order for Payment against the Respondents in favour of the Applicant in the sum of £3,259.62.**

**Background**

1. The Applicant submitted an application under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. The Applicant sought an order for payment in respect of rent arrears and late payment charges said to have been incurred by the Respondents.
2. A Convenor of the Housing and Property Chamber (“HPC”) having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion (“CMD”).
3. The Tribunal assigned a CMD for 9 April 2024 at 2pm. The Tribunal instructed sheriff officers to serve a copy of the application on the Respondents. Sheriff officers were unable to trace the Respondents. The CMD assigned for 9 April 2024 was postponed administratively. The Tribunal subsequently assigned a CMD for 11 June 2024 at 10am and intimated details of that to the Respondents by advertisement on the Housing and Property Chamber website on 10 May 2024.

### **The case management discussion – 11 June 2024**

4. The CMD took place by conference call. The Applicant was represented by Mrs Leanne Young. She explained that she sent a copy of the rent statement to the Respondents by email in April and in May but has received no response. She has also attempted to reach the Respondents by telephone without success. The Respondents vacated the property on 22 September 2023 and made no arrangement to pay the arrears of rent and late payment charges incurred. The rent statement has been apportioned up to the date of the Respondents' departure from the property. The Applicant's representative moved for an order for payment to be granted in the sum of £3,259.62.

### **Findings in Fact**

5. The parties entered into a private residential tenancy which commenced 25 October 2021.
6. The contractual monthly rent was initially £1,100 per month, payable in advance.
7. The Respondents were late in paying rent on 5 occasions.
8. The Respondents have accrued rent arrears and late payment charges amounting to of £3,259.62.

### **Reason for Decision**

9. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the CMD. The Respondents did not lodge any written representations and did not participate in the CMD. The rent statement lodged demonstrates that rent payments were late on a number of occasions. In terms of clause 11.2 of the tenancy agreement, the Respondents were contractually bound to pay late payment charges. The Tribunal was satisfied that the Respondents had accrued rent arrears and late payment charges amounting to £3,259.62. The Tribunal granted an order in that sum.

### **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.**

Nicola Irvine

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**Legal Member/Chair**

**11 June 2024**

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**Date**