



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 70(1) of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/24/0467

Re: Property at 21 Hollybank Place FFR, Aberdeen, AB11 6XR (“the Property”)

Parties:

Mrs Megan Ley, 48 Angusfield Avenue, Aberdeen, AB15 6AS (“the Applicant”)

Mr Kevin Barr, UNKNOWN, UNKNOWN (“the Respondent”)

Tribunal Members:

Ruth O'Hare (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to make an order for payment in the sum of Three thousand eight hundred pounds (£3800) Sterling

Background

- 1 By application to the Tribunal the Applicant sought an order for payment against the Respondent for unpaid rent arrears in the sum of £3800. In support of the application the Applicant provided a copy of the tenancy agreement between the parties and a rent statement.
- 2 By Notice of Acceptance of Application dated 5 April 2024 the Legal Member with delegated powers of the Chamber President intimated that there were no grounds on which to reject the application. A Case Management Discussion was therefore assigned and a copy of the application paperwork together with notification of the date and time of the Case Management Discussion and instructions on how to join the teleconference was served on the Respondent by Sheriff Officers.

Case Management Discussion

- 3 The Applicant was present at the Case Management Discussion. The Respondent was not in attendance. The Tribunal noted that they had been served with the application paperwork together with notification of the date and time of the Case Management Discussion and therefore determined to proceed in their absence.
- 4 The Applicant confirmed that she sought an order in the sum of £3800 in respect of unpaid rent. The Respondent had left the property in a poor condition however she was not seeking to recover the reinstatement costs at this time.

Findings in Fact

- 5 The parties entered into a Private Residential Tenancy Agreement dated 4 March 2022.
- 6 In terms of Clause 8 of the said Tenancy Agreement the Respondents undertook to make payment of rent at the rate of £500 per calendar month
- 7 The Respondent failed to make payment of the contractual rent under the terms of the tenancy agreement between the parties.
- 8 The tenancy between the parties terminated on 28 October 2023.
- 9 As at the date of termination of the tenancy rent arrears in the sum of £3,800 had accrued by virtue of the Respondent's failure to pay the contractual rent.

Reasons for Decision

- 10 The Tribunal was satisfied that it had sufficient information upon which to make a decision at the Case Management Discussion, taking into account the application paperwork and the submissions at the Case Management Discussion, and that it would not be prejudicial to the interests of the parties to do so. The Respondent had been served with the application paperwork but had failed to make any written representations in response, and had failed to attend the Case Management Discussion. The Tribunal therefore considered it was able to proceed to determine the application in their absence.
- 11 The Tribunal accepted, based on its findings in fact, that the Respondent was due to pay the sum of £3,800 to the Applicant under the terms of the tenancy agreement between the parties. The Tribunal therefore made 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.

Legal Member/Chair

Date 28 June 2024