



**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/24/1617**

**Re: Property at 29 Old Station Place, Ballater, AB35 5RG (“the Property”)**

**Parties:**

**Mr John Dempster, 23 Recreation Road, Andover, Hampshire, SP10 1HL (“the Applicant”)**

**Miss Aileen Oliver, 29 Old Station Place, Ballater, AB35 5RG (“the Respondent”)**

**Tribunal Members:**

**Alison Kelly (Legal Member) and Tony Cain (Ordinary 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 should be made.**

1. On 9<sup>th</sup> April 2024 the Applicant lodged an Application with the Tribunal under Rule 111 of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”) seeking payment of a sum of rent arrears.
2. Lodged with the application were: -
  - i. Copy Private Residential Tenancy Agreement showing a commencement date of 1<sup>st</sup> September 2018 and a rent of £555 per month;
  - ii. Rent Statement showing arrears of £8200 as at 1<sup>st</sup> April 2024;
  - iii. Pre Action Requirement letters dated 10<sup>th</sup> November 2023, 11<sup>th</sup> January 2024 and 2<sup>nd</sup> February 2024.
3. The Application was served on the Respondent by Sheriff Officers on 3<sup>rd</sup> September 2024.

4. On 2<sup>nd</sup> October 2024 the Applicant's solicitor lodged an up to date rent statement showing arrears of £11500 as at 1<sup>st</sup> October 2024.

### **Case Management Discussion**

5. The Case Management Discussion ("CMD") took place by teleconference. The Applicant was represented by Miss Bain of Mackinnons, Solicitors. There was no attendance by the Respondent or any representative on her behalf.
6. The Chairperson explained the purposes of a CMD in terms of Rule 17 of the Rules.
7. Miss Bain asked that an order be granted for payment, in the amount of £11,500, being the sum due as shown on the updated rent statement and being the arrears due as at 1<sup>st</sup> October 2024.

### **Findings in Fact**

- i. The parties entered in to a tenancy agreement for rent of the property;
- ii. The monthly rent was £555;
- iii. Rent arrears owed as at 1<sup>st</sup> October 2024 were £11, 500.

### **Reasons for Decision**

8. The Respondent owes rent to the Applicant as at 1<sup>st</sup> October 2024 in the amount of £11,500.

### **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.**

**Alison Kelly**

**10<sup>th</sup> October 2024**

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**Legal Member/Chair**

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**Date**