



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

Chamber Ref: FTS/HPC/CV/24/2094

Re: Property at Top Left, 33 Hartington Road, City Centre, Aberdeen, AB10 6XS (“the Property”)

Parties:

Mr Michael Brown, Mrs Margaret Brown, 12 Richmond Terrace, Aberdeen, Aberdeenshire, AB25 2RL (“the Applicants”)

Mr Jordan Liam Walker, UNKNOWN, UNKNOWN (“the Respondent”)

Tribunal Members:

Susan Christie (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order is granted against the Respondent for payment of Two Thousand Nine-Hundred and Thirty-Three Pounds and Eighty-Two Pence (£2,933.82) to the Applicants.

Background

1. The Applicant Michael Brown made an application for payment for unpaid rent due. It was made with the consent of his spouse, Margaret Ann Brown as co-owner.
2. The application was accepted by the tribunal on 13 June 2024.
3. A trace Report was produced along with the application showing the Applicant could not ascertain a proper address for the Respondent.
4. The application and tribunal paperwork were served on the Respondent by Service by Advertisement on the tribunal website.
5. Written representations were invited from the Respondent by 6 September 2024. None were lodged.

The Case Management Discussion

1. A Case Management Discussion (CMD) took place on 18 September 2024 at 11.30 a.m. by conference call. The Applicants were represented by Mrs Leanne Young, letting agent. The Respondent did not participate.
2. The Applicants Representative stated that a further trace search on the Respondent had been carried out last week, again with negative results.
3. The tribunal had sight of the execution of Service by Advertisement and was satisfied that it could proceed with the CMD in the Respondent's absence.
4. The paperwork that accompanied the application was examined and discussed. In particular, the Rent Schedule figures were examined.

Findings in Fact

- I. The Applicant Michael Brown is a co-owner and the registered landlord for the Property.
- II. The Parties Michael Brown and the Respondent entered into a private residential tenancy agreement for the Property.
- III. The date of entry was 19 May 2021.
- IV. The tenancy ended on 31 May 2023.
- V. The contractual rent is £395 per calendar month in advance.
- VI. The unpaid contractual rent due and owing by the Respondent to the Applicants is £2,933.82.
- VII. The rent account shows that the rent arrears started to accrue from 19 June 2022.
- VIII. Three payments of rent were made on 17 August 2022, 20 September 2022 and 17 October 2022 each for £395. No payments have been made since then.
- IX. There was a credit to the rent account of £395 at the end of the tenancy when the landlord recovered the tenancy deposit.
- X. The balance shown as the final balance on the rent account (after corrections were made) is the sum sought.
- XI. An Order for payment of £2,933.82 is granted

Reasons for decision

1. The action for payment is a standard payment application for rent arrears. Service of the paperwork had been made on the tribunal website as Service by Advertisement on the Respondent for the necessary period and the tribunal had sight of a certificate to that effect. The tribunal was so satisfied and proceeded to the CMD and a determination.
2. The Applicant's Representative had produced an unsigned copy of the private residential tenancy agreement and a detailed schedule of the rent due, along with a trace report and other miscellaneous paperwork.
3. The Applicant Michael Brown is a co-owner and the registered landlord for the Property.
4. The Parties Michael Brown and the Respondent entered into a private residential tenancy agreement for the Property.
5. The date of entry was 19 May 2021.

6. The tenancy ended on 31 May 2023.
7. The contractual rent is £395 per calendar month.
8. The unpaid contractual rent due and owing by the Respondent to the Applicants is £2,933.82.
9. The rent account shows that the rent arrears started to accrue from 19 June 2022.
10. Three payments of rent were made on 17 August 2022, 20 September 2022 and 17 October 2022 each for £395. No payments have been made since then.
11. There was a credit to the rent account of £395 at the end of the tenancy when the landlord recovered the tenancy deposit.
12. The balance shown as the final balance on the rent account (after final corrections were made) is the sum sought.
13. The Applicant's Representative stated that a further effort at a trace had been made but the Respondent's proper address remained unknown to them. She sought a payment order.
14. On that basis and the tribunal being satisfied that the figure sought aligned with the rent account in the paperwork and an Order is made.

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

18 September 2024
Date