



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/24/1672

Re: Property at 11 Dee Place, First Floor Whole, Aberdeen, AB11 6EF (“the Property”)

Parties:

Optimised Property Solutions Ltd, Deepheather House, Kirkton of Logie Buchan, Ellon, Aberdeenshire, AB41 8NN (“the Applicant”)

Mr Stewart Aitken, whose present whereabouts are to the Applicant unknown (“the Respondent”)

Tribunal Members:

Gillian Buchanan (Legal Member)

Decision (in absence of the Respondent)

At the Case Management Discussion (“CMD”), which took place by telephone conference on 29 October 2024, the Applicant was represented by Miss Redgate of Winchesters Lettings Limited. The Respondent was neither present nor represented and had lodged no written representations.

The tribunal was satisfied that the requirements of Rule 24(1) of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”) had been satisfied relative to the Respondent having received notice of the CMD and determined to proceed in the absence of the Respondent in terms of Rule 29.

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that

The Tribunal noted the following background:-

- i. The Applicant is the heritable proprietor of the Property.
- ii. The Applicant leased the Property to the Respondent in terms of a Private Residential Tenancy Agreement (“the PRT”) that commenced on 8 December 2020.
- iii. The rent payable in terms of the PRT is £600 per calendar month.

- iv. The PRT required that the Respondent pay a deposit of £600.
- v. The rent arrears said to be due in terms of the application are £5450.35.

The CMD

At the CMD Miss Redgate for the Applicant made the following representations:-

- i. The PRT ended on 18 October 2023.
- ii. A Notice to Leave had previously been issued by the Applicant. The Respondent had not moved out the Property by the time the Notice to Leave expired.
- iii. The Applicant subsequently conducted a welfare check and discovered the Respondent had vacated the Property.
- iv. The rent arrears due are £5450.35.
- v. With regard to the deposit of £600 this was recovered in full from the Tenancy Deposit Scheme without objection from the Respondent. These sums were offset in full against the costs of cleaning and repairing damage to the Property.
- vi. The Applicant seeks a payment order.

Findings in Fact

- i. The Applicant leased the Property to the Respondent in terms of the PRT.
- ii. The rent payable in terms of the PRT is £600 per calendar month.
- iii. The rent arrears due by the Respondent to the Applicant are £5450.35.
- iv. The deposit paid by the Respondent has been recovered by the Applicant from the Tenancy Deposit Scheme and offset against the costs of cleaning and repairing damage to the Property.

Reasons for Decision

The Respondent did not submit any representations to the Tribunal and did not attend the CMD. The factual background narrated by the Applicant within the application papers and orally by Miss Redgate at the CMD was not challenged and was accepted by the Tribunal.

The Tribunal determined that the unpaid rent outstanding and due by the Respondent to the Applicant is £5450.35.

Decision

The Tribunal granted a payment order in favour of the Applicant in a sum of £5450.35.

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.

G. Buchanan

29th October 2024

Legal Member/Chair

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Date

