



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) in terms of Rule 17(4) of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”) in respect of an application under Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”) and Rule 111 of the Rules**

**Chamber Ref: FTS/HPC/CV/24/2001**

**Re: Property at 64 Picardy Court, Rose Street, Aberdeen, AB10 1UG (“the Property”)**

**Parties:**

**Mr Alexander Clubb and Mrs Catherine Mary Clubb, Ord Croft, Newmachar, Aberdeenshire, AB21 7PS (“the Applicant”) per their agents, Laurie & Co Solicitors LLP, 17, Victoria Street, Aberdeen, AB10 1PU**

**Mr Joshua Crofts, 64 Picardy Court, Rose Street, Aberdeen, AB10 1UG (“the Respondent”)**

**Tribunal Members:**

**Karen Moore (Legal Member) and Ann Moore (Ordinary Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted the Order sought in the sum of EIGHT THOUSAND SEVEN HUNDRED AND THIRTY POUNDS (£8,730.00) Sterling**

**Background**

1. By application received between 1 May 2024 and 21 June 2024 (“the Application”), the Applicants’ Agents applied to the Tribunal for an Order for eviction and possession of the Property based on Ground 12 of Schedule 3 to the 2016 Act, that the tenant has been in rent arrears for three or more consecutive months.

2. The Application comprised the following:
  - i) copy private residential tenancy agreement between the Parties dated 27 April 2023 showing a monthly rent of £640.00;
  - ii) copy rent statement showing arrears of £4,250.00 due and owing at 1 May 2024 and with no payments received since December 2023;
  - iii) pre-action requirements (PARs) letters sent to the Respondent.
3. The Application was accepted by the Tribunal Chamber and a Case Management Discussion (the "CMD") was fixed for 6 December 2024 at 14.00 by telephone conference. The CMD was intimated to both Parties, and, in particular, was intimated to the Respondent by Sheriff Officer service on 28 October 2024.
4. Prior to the CMD, the Applicants' Agents amended the amount of rent due and owing to £8,730.00 and intimated this amendment to the Respondent.

#### **CMD**

5. The CMD took place on 6 December 2024 at 14.00 by telephone. The Applicants were both present and was represented by Mrs. Fyfe of the Applicants' Agents, accompanied by Ms. Milne. The Respondent was not present and was not represented. He did not submit written representations.
6. Mrs. Fyfe confirmed that the Applicants sought an Order for the amended sum of £8,730.00 was sought. She advised that there has been no contact from the Respondent since the PARS letters were issued and no payments have been made since December 2023.
7. With regard to the Respondent, Mrs. Fyfe advised that he had been in employment when the tenancy began and appears still to be in employment, and so, it would seem that he is simply choosing not to pay the rent due.

#### **Findings in Fact**

8. From the Application and the CMD, the Tribunal made the following findings in fact: -
  - i) There is a private residential tenancy of the Property between the Parties commencing on 27 April 2023;
  - ii) The monthly rent is £640.00;
  - iii) The Respondent has not made any payments in respect of rent since December 2023;
  - iv) Rent due and owing by the Respondent to the Applicants amounts to £8,730.00 to date;

### **Issue for the Tribunal**

9. The Tribunal had regard to Rule 17(4) of the Rules which states that the Tribunal “*may do anything at a case management discussion .....including making a decision*”. The Tribunal took the view that it had sufficient information to make a decision and so proceeded to determine the Application.

### **Decision and Reasons for Decision**

10. Having found in fact that the Respondent is due and owing to the Applicants for the sum of £8,730.00, the Tribunal proceeded to make an order for payment in this sum
11. This Decision is unanimous.

### **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.**

# K Moore

6 December 2024

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**Legal Member/Chair**

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**Date**