



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/24/3137

Property : Old Mill Cottage, Cullerlie, Skene, Westhill AB32 6XN (“Property”)

Parties:

Thomas Grant, Learney Lodge, Torphins, Banchory AB341 4NA (“Applicant”)

Burnett & Reid LLP, Suite A, 1 Albyn Place, Aberdeen AB10 1BR (“Applicant’s Representative”)

Gemma Stewart, Old Mill Cottage, Cullerlie, Skene, Westhill AB32 6XN (“Respondent”)

Tribunal Members:

Joan Devine (Legal Member)

Gerard Darroch (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“Tribunal”) determined that an order for payment of £8,800 should be made.

The Applicant sought an order for payment of £8,800 in respect of rent arrears. The Applicant had lodged Form F. The documents produced were: a Private Tenancy Agreement which commenced on 30 June 2023 and a statement of rent arrears. The Tribunal had sight of a sheriff officer's execution of service certifying service of the Application on the Respondent on 11 November 2024. On 9 December 2024 the Applicant's Representative lodged an updated statement of rent arrears which indicated the arrears were £12,800 at 30 November 2024.

Case Management Discussion (“CMD”)

A CMD took place before the Tribunal on 18 December 2024 by teleconference. The Applicant was represented by Alasdair Taylor of the Applicant's Representative. There was no appearance by or on behalf of the Respondent. Mr Taylor told the Tribunal that there had been no recent contact with the Respondent. He said she lived in the Property alone. He said he was not aware of the Respondent having applied for any

benefits and he was not aware of the Respondent having any health issues. Mr Taylor sought to amend the sum claimed to £12,800 and noted that the updated statement of arrears would have been copied to the Respondent when it was lodged.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent entered into a Tenancy Agreement which commenced on 30 June 2023.
2. In terms of the Tenancy agreement the rent was £800 per month.
3. The Respondent failed to pay the rent for the period 30 August 2023 to 30 November 2024. The unpaid amount was £12,800.

Reasons for the Decision

The Tribunal determined to make an Order for payment. In terms of the tenancy agreement rent was due at the rate of £800 per month.. The Respondent failed to pay the rent for the period 30 August 2023 to 30 November 2024. The unpaid amount was £12,800.

Decision

The Tribunal grants an order for payment of £12,800.

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.



Date : 18 December 2024