



**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/24/0476**

**Re: Property at 2R 144 Spital, Aberdeen, AB24 3JU (“the Property”)**

**Parties:**

**Jaymill Developments Ltd, Arlberg, Bourtreebush, Newtonhill, Aberdeenshire, AB39 3PE (“the Applicant”)**

**Mr Christopher David Trestrail, 2R 144 Spital, Aberdeen, AB24 3JU (“the Respondent”)**

**Tribunal Members:**

**Nairn Young (Legal Member) and Ahsan Khan (Ordinary Member)**

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

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

- Background
- 1. This is an application for an order for payment of rent arrears alleged to be owed by the Respondent in terms of a private residential tenancy agreement with the Applicant. It previously called for a case management discussion (‘CMD’) at 10am on 19 July 2024, by teleconference, at which the Applicant was represented and the Respondent was present. The matter was adjourned to a hearing, principally concerned with the Respondent’s assertion that he was entitled to an abatement of rent for the period in question. A direction was made by the Tribunal requiring his position to be set out in writing and various evidence to be provided to support it. The Respondent did not respond at all to the direction.

2. The matter called for the hearing at 10am on 4 November 2024, again by teleconference. The Applicant was represented on the call by Dr Sarah Milne and Mrs Claire Young. The Respondent was not on the call in-person and was not represented. The commencement of the hearing was delayed by 10 minutes, in case of any technical issue he may have been experiencing, but there remained no contact from him.
3. The Tribunal was satisfied that, given his non-engagement with the process since the CMD, the Respondent no longer insisted on his defence to the application; and it proceeded on that basis.

- Findings in Fact

The following facts from the application were relied on by the Tribunal, as unopposed:

4. The Respondent entered into a private residential tenancy agreement with the Applicant in respect of the Property, with a start date of 25 February 2022.
5. In terms of that agreement, rent of £350 was due on the 25<sup>th</sup> day of each month.
6. The tenancy was terminated on 26 June 2023.
7. At the date of termination, the Respondent owed £3,264 in rent.
8. The Respondent has made no payment towards those arrears since that date.

- Reasons for Decision

The Respondent owes the sum sought in the application to the Applicant. An order for payment of that amount should therefore be made.

The Applicant did also allude to the Tribunal making an award to compensate them for their legal expenses in raising this application. The Tribunal did not consider that

these expenses met the test set out in rule 40 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017. There has not been unreasonable behaviour in the conduct of this case on the part of the Respondent. Even if it were considered that there had been, the expenses in question related to a period prior to the raising of the action and so could not have been occasioned by that behaviour.

- Decision

**Order made for payment by the Respondent to the Applicant of the sum of THREE THOUSAND, TWO HUNDRED AND SIXTY-FOUR POUNDS STERLING (£3,264).**

### **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.

# Nairn Young

4<sup>th</sup> November 2024

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Legal Member/Chair

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Date