

**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/24/3075**

**Re: Property at 164R Market Street, Aberdeen, AB11 5PP (“the Property”)**

**Parties:**

**Northwood (Aberdeen) Ltd, 207-211 Rosemount Place, Aberdeen, AB25 2XS (“the Applicant”)**

**Mr Keith Ritchie, 164R Market Street, Aberdeen, AB11 5PP (“the Respondent”)**

**Tribunal Members:**

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

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

- Background

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 called for case management discussion (‘CMD’) at 10am on 8 April 2025, by teleconference. The Applicant was represented on the call by Mr Scott Morrison, one of its employees. The Respondent was not on the call or represented. The commencement of the CMD was delayed by 10 minutes in case he was experiencing any technical difficulty; but there remained no contact from him.

Service of the application and notification of the date of the CMD was effected by sheriff officers on the Respondent on 4 March 2025. The Tribunal was therefore satisfied that he was aware of the application but had chosen not to oppose it.

- Findings in Fact

The Tribunal considered the following unopposed facts as relevant to its decision:

1. The Applicant lets the Property to the Respondent in terms of a private residential tenancy agreement with a start date of 29 May 2020.
2. In terms of the tenancy agreement, rent of £525 was initially due on the 29<sup>th</sup> day of each month.
3. By agreement between the parties, the date in the month the rent became due was changed to the 1<sup>st</sup>, from 1 July 2020.
4. The rent was increased by notice under s.22(1) of the Private Housing (Tenancies) (Scotland) Act 2016 ('the Act') from 1 July 2022 to £550 per month: and then again from 1 August 2023 to £566.50 per month.
5. The Respondent fell into arrears of rent on 1 June 2023 and, after making some payments that were insufficient to clear the arrears, has made no payment since 2 August 2023.
6. On 4 July 2024, when this application was made, the Respondent was in arrears of rent of £6,573.
7. As at the date of the CMD, the arrears stand at £11,671.50.

- Reasons for Decision

8. The Applicant made an application by email on 2 April 2025 to amend the sum sought in the application to £11,671.50. Insufficient notice of this

application had been given in terms of Rule 14A of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017, to allow it to be considered at the CMD. The Applicant therefore indicated it was content to let that application drop and seek an order only in the terms originally sought.

9. The Respondent owes the amount in question to the Applicant and an order for payment of that amount should therefore be made.

- Decision

**Order made for payment by the Respondent to the Applicant of the sum of SIX THOUSAND, FIVE HUNDRED AND SEVENTY-THREE POUNDS STERLING (£6,573).**

### **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

**Legal Member/Chair**

**Date** 8 April 2025