



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 (“the 2016 Act”)

Chamber Ref: FTS/HPC/CV/24/4685

Re: Property at 6 Charles Street, E, City Centre, Aberdeen, AB25 3TU (“the Property”)

Parties:

Mr David Wood, 51 Tollohill Place, Aberdeen, AB12 5EA (“the Applicant”)

Mr Conor Rhys Abernethy, 6 Charles Street, E, City Centre, Aberdeen, AB25 3TU (“the Respondent”)

Tribunal Members:

Ruth O'Hare (Legal Member) and Elaine Munroe (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to make an order for payment in the sum of One thousand eight hundred and twenty five pounds (£1825) Sterling

Background

- 1 This is an application for a payment order under section 71 of the 2016 Act and rule 111 of the First-tier Tribunal for Scotland (Housing and Property Chamber) Rules of Procedure 2017 (“the Rules”).
- 2 The application was referred to a case management discussion (“CMD”) to take place by teleconference on 28 April 2025. The application was conjoined with an application under Rule 109 of the Rules seeking an eviction order. Notification of the CMD was sent to the parties in accordance with Rule 17(2) of the Rules. Said notification was served upon the Respondent by sheriff officers on 4 March 2025.
- 3 Both parties were invited to make written representations. No written representations were received from the Respondent. On 14 April 2025 the Tribunal received an email from the Applicant’s representative, Trinity Factoring

Services Limited, with an updated rent statement, correspondence to the Respondent, and a statement regarding the Applicant's financial position. The Applicant requested that the sum claimed be amended to £1825. The request was intimated upon the Respondent.

The CMD

- 4 The CMD took place on 28 April 2025 by teleconference. The Applicant was represented by Ms Rachel MacDonell of Trinity Factoring Services Ltd. The Respondent did not attend. The Tribunal delayed the start time of the CMD for a short period before determining to proceed in his absence.
- 5 The Tribunal had the following documents before it:-
 - (i) Form F application form;
 - (ii) Land Certificate ABN104147 confirming the Applicant as the registered owner of the property;
 - (iii) Excerpt from the online landlord register confirming the Applicant's landlord registration;
 - (iv) Private residential tenancy agreement between the parties dated 26 November 2021;
 - (v) Email correspondence between the Applicant's representative and the Respondent regarding rent arrears;
 - (vi) Rent increase notice dated 19 April 2023;
 - (vii) Written mandate from the Applicant authorising the Applicant's representative, Trinity Factoring Services Ltd to represent him;
 - (viii) Rent statement; and
 - (ix) The Applicant's written representations dated 14 April 2024.
- 6 The Tribunal proceeded to hear submissions from Ms MacDonell on the Applicant's behalf. The following is a summary of the key elements of the discussion and does not constitute a verbatim account of the proceedings.
- 7 Ms MacDonell advised that the Applicant sought an order for payment in the sum of £1825. The tenancy had commenced on 29 November 2021. The rent account had been in arrears since July 2023. The Respondent had made numerous promises to pay the arrears but had not done so.

Findings in Fact

- 8 The Applicant and Respondent entered into a tenancy agreement in respect of the property which commenced on 29 November 2021.
- 9 The tenancy between the parties was a private residential tenancy as defined by section 1 of the 2016 Act.
- 10 In terms of Clause 8 of the said tenancy agreement the Respondent undertook to pay rent at the rate of £385 per calendar month.

- 11 On 19 April 2023 the Applicant's representative, Trinity Factoring Services Ltd, sent a rent increase notice to the Respondent under section 22(1) of the 2016 Act. The said notice increased the rent to £396 per calendar month from 28 July 2023.
- 12 The Respondent is in arrears of rent. As at the date of this decision, rent arrears of £1825 are outstanding.
- 13 Despite repeated requests the Respondent has refused or delayed to make payment of the outstanding rent.

Reasons for Decision

- 14 The Tribunal was satisfied it had sufficient information before it to make relevant findings in fact and reach a decision on the application having regard to the application paperwork and the submissions heard at the CMD. In terms of Rule 17(4) and Rule 18(1) of the Rules the Tribunal determined that it could make a decision at the CMD as there were no issues to be resolved that would require a hearing and the Tribunal was satisfied that to make a decision would not be contrary to the interests of the parties. The Respondent had been given the opportunity to make written representations and attend the CMD but had chosen not to do so.
- 15 Based on the application paperwork and the submissions from Miss MacDonell at the CMD, the Tribunal was satisfied that the Respondent had a contractual obligation to pay rent at the rate of £396 per calendar month to the Applicant, and had failed to do so. The Tribunal was also satisfied that the request to amend the sum claimed to £1825 had been made timeously in accordance with Rule 14A of the Rules. There was no evidence before the Tribunal to contradict the Applicant's position regarding the application.
- 16 The Tribunal therefore determined to make an order for payment in the sum of £1825. The decision of the Tribunal was 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.



Ruth O'Hare

Legal Member/Chair

28 April 2025

Date