



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/24/4615

Re: Property at 22P Market Street, Aberdeen, AB11 5PL (“the Property”)

Parties:

MIDU Ventures LTD, Neo House, Riverside Drive, Aberdeen, AB11 7LH (“the Applicant”)

Ms Kelly Louise Moir, 10 Cloverfield Close, Bucksburn, Aberdeen, AB21 9PY (“the Respondent”)

Tribunal Members:

Ruth O'Hare (Legal 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 Seven thousand nine hundred and eighty five pounds and forty one pence (£7985.41) Sterling

Background

- 1** This is an application for a payment order under section 71 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”) and Rule 111 of the First-tier Tribunal for Scotland (Housing and Property Chamber) Rules of Procedure 2017 (“the Rules”). The Applicant claimed the sum of £7985.41 from the Respondent in respect of unpaid rent.
- 2** The application was referred to a case management discussion (“CMD”) to take place by teleconference on 3 June 2025. The Tribunal gave notice of the CMD to the parties in terms of Rule 17(2) of the Rules. Said notice was served personally upon the Respondent by sheriff officers on 30 April 2025.
- 3** Both parties were invited to make written representations in advance of the CMD. On 2 May 2025 the Respondent emailed written representations to the Tribunal, which consisted of an excerpt from the Accountant in Bankruptcy website.

The CMD

- 4 The CMD took place on 3 June 2025 at 11.30am by teleconference. Mr Winchester of Winchester Lettings represented the Applicant. The Respondent did not join the call. The Tribunal delayed the start time of the CMD for a short period before determining to proceed in her absence, having noted that she had received proper notification under Rule 17(2) of the Rules.
- 5 The Tribunal had the following documents before it:-
 - (i) Form F application form dated 3 October 2024 and paper apart;
 - (ii) Title sheet ABN70985 confirming the Applicant to be 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 13 February 2020;
 - (v) Statement of rent account; and
 - (vi) Notice to leave dated 8 February 2024.
- 6 The Tribunal heard submissions from Mr Winchester, who confirmed that the Applicant sought an order for payment in the sum of £7985.41.

Findings in fact

- 7 The Applicant and Respondent entered into a tenancy agreement in respect of the property, which commenced on 1 May 2023.
- 8 In terms of Clause 8 of the said tenancy agreement the Respondent agreed to pay rent at the rate of £575 per calendar month, payable in advance.
- 9 The Respondent failed to make any rent payments after taking up occupation of the tenancy.
- 10 The tenancy between the parties terminated on 27 June 2024. As at the date of termination rent arrears in the sum of £7985.41 were outstanding.
- 11 The Respondent is liable to pay the sum of £7985.41 to the Applicant under the terms of the said tenancy agreement between the parties.

Reasons for decision

- 12 The Tribunal was satisfied that it could make relevant findings in fact in order to reach a decision following the CMD, and that to do so would not be contrary to the interests of the parties in this case. The Respondent had been given the opportunity to attend the CMD but had chosen not to do so. The Tribunal therefore considered it could accept the evidence and submissions on behalf of the Applicant, there being no contradictory evidence before it.

13 The Tribunal concluded, having considered the documents produced by the Applicant, that the Respondent had agreed to pay rent of £575 per month and had failed to comply with her obligations in this regard, resulting in arrears of £7985.41 at the end of the tenancy. The Respondent had not sought to dispute this. Whilst she had provided some information from the Accountant in Bankruptcy website, it was not clear what her current status was, and therefore what impact that would have on the Tribunal's determination of the application. She had not attended the CMD to provide any further explanation on this point, therefore the Tribunal considered there was nothing to prevent it from making the order sought by the Applicant in this case.

14 The Tribunal therefore made an order in the sum of £7985.41.

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.

R.O'Hare

3 June 2025

Legal Member/Chair

Date