

Housing and Property Chamber
First-tier Tribunal for Scotland



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/24/2407

Re: Property at 67 Morrison Drive, Garthdee, Aberdeen, AB10 7EA (“the Property”)

Parties:

MR RANJIT RAMCHANDER, OSBORNE HOUSE, 27-30 CARDEN PLACE, ABERDEEN, AB10 1UP (“the Applicant”)

MS HOLLY GODFREY, Rowan Cottage, Lower Rafford, Forres, IV36 2RR (“the Respondent”)

Tribunal Members:

Gabrielle Miller (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant is entitled to an order for payment for £2379.32 (TWO THOUSAND THREE HUNDRED AND SEVENTY NINE POUNDS AND THIRTY TWO PENCE) with interest at 4% per annum from the date of this decision, namely 18th July 2025.

Background

1. An application was received by the Housing and Property Chamber dated 27th May 2024. The application was submitted under Rule 111 of The First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on the Respondent not maintaining rent payments.
2. On 11th October 2024 all parties were written to with the date for the Case Management Discussion (“CMD”) of 18th November 2024 at 10am by teleconferencing. The letter also requested all written representations be submitted by 1st November 2024. This was then postponed at the request of

the Respondent who was unable to attend. She did not have anyone to attend on her behalf. The Tribunal considered it reasonable to postpone the CMD.

3. A new CMD date was set for 12th May 2025 at 2pm. This was postponed at the request of the Applicant as a payment plan had been started and the Applicant wished to monitor payments before there was a decision made on the application.
4. On 12th June 2025 all parties were written to with the date for the CMD to be held 18th July 2025 at 2pm by teleconferencing.
5. On 3rd July 2025, the Applicant's representative emailed the Housing and Property Chamber to reduce the amount sought two payments of £297.41 were made in February and March 2025 which has reduced the outstanding amount tot £2379.32.

The Case Management Discussion

6. A CMD was held 18th July 2025 at 2pm by teleconferencing. The Applicant not present but was represented by Ms Robin Linich, Trainee Solicitor, Jackson Boyd. The Respondent was not present. The Tribunal proceeded in terms of Rule 29 of the Rules. The Respondent did not make representations in advance of the CMD.
7. Ms Linich said that there was a payment agreement entered into with the Respondent. However, only two payments were made of £297.41. The last payment was made on 4th March 2025. There has been no communication from the Respondent with regard to payment or any other matter. Due to these payments the outstanding amount has been reduced to £2379.32. Ms Linich confirmed that the entire deposit was awarded to the Applicant in light of damage to the Property. This meant that the outstanding amount of rent arrears was not affected by the return of the deposit to the Applicant.
8. Ms Linich noted that the Respondent's father had emailed on 10th June 2024. This email was to state that the Guarantor, Ms Bethany Godfrey, no longer wished to have any part in this process and that the Respondent had reduced the arrears. There was nothing further on when the rest of the outstanding arrears would be addressed. Ms Linich confirmed that this application related only to the Respondent and not to the Guarantor.
9. The Tribunal was satisfied that the outstanding amount for £2379.32 was due to the Applicant by the Respondent and that it was appropriate to grant an order accordingly
10. In terms of 4% per annum interest requested the Tribunal noted that this was detailed in clause 9 of the lease. As such it was satisfied that it was appropriate to grant the application with interest at this level.

Findings and reason for decision

11. A Private Rented Tenancy Agreement commenced 11th February 2021. The tenancy ended on 13th March 2024.
12. The Respondent persistently failed to pay her rent charge of £450 per month which increased to £478.95 by the end of the tenancy. The rent payments were due to be paid on eighteenth day of each month.
13. There are no known outstanding Universal Credit Housing Element issues.
14. The Respondent entered into an agreement to pay £297.41 per month to the arrears. She made two payments of this amount. This reduced the outstanding arrears. The last payment was made in March 2025. There has been no communication from the Respondent with regard to payments.
15. The arrears sought total £2379.32 with interest at 4% per annum.

Decision

16. The Tribunal found that the Applicant was entitled to be granted an order for payment amounting to £2379.32 with interest at 4% per annum.

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.

Gabrielle Miller

Legal Member/Chair

18th July 2025

Date