



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 Private Housing Tenancies (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/CV/20/0469**

**Re: Property at 102 Fernhill Road, Aberdeen, AB16 6QP (“the Property”)**

**Parties:**

**Mrs Iwona Kurecka, Makuszynskiego 30, 81- 595, Gdynia, Poland, Poland (“the Applicant”)**

**Ms Stephanie Lamond, ADDRESS UNKNOWN, (“the Respondent”)**

**Tribunal Members:**

**Josephine Bonnar (Legal Member)**

**Decision in absence of the Respondent**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment of the sum of £4087.35 should be granted against the Respondent in favour of the Applicant.**

**Background**

1. By application received on 10 February 2020 the Applicant seeks an order for payment in relation to unpaid rent. The sum specified in the application is £4087.35. A copy tenancy agreement and rent statement were lodged in support of the application. An application for an eviction order was also lodged.
2. On 20 February 2020, the Applicant notified the Tribunal that the Respondent had vacated the property. She confirmed that she wished to proceed with the application for a payment order.
3. The application was served on the Respondent by advertisement on the Tribunal website, as the address of the Respondent is unknown, between 13 August and 17 September 2020. Both parties were advised that a Case

Management Discussion (“CMD”) would take place by conference call on 17 September 2020 at 11.30am. The Respondent was also provided with a copy of the notification letter and the application papers by email on 20 August 2020.

4. The application called for a CMD by telephone conference call at 11.30am on 17 September 2020. The Applicant participated. The Respondent did not participate and was not represented.

### **Case Management Discussion**

5. The Applicant advised the Legal Member that the Respondent had been served with a Notice to leave. This was delivered and signed for on 6 January 2020. The Local Authority notified the Applicant that the Respondent vacated the property on 22 January 2020. She did not give notice and did not notify the Applicant that she had moved out. There has been no direct contact with her since that date and she has made no payments to the arrears of rent. The Applicant confirmed that the sum of £4087.35 is due for the period of the arrears, being 31 January 2019 to 22 January 2020. She confirmed that she is seeking a payment order for the sum of £4087.35.

### **Findings in Fact**

6. The Applicant is the owner and landlord of the property.
7. The Respondent was the tenant of the property in terms of a private residential tenancy agreement.
8. The Respondent vacated the property on or about 22 January 2020.
9. In terms of the tenancy agreement the Respondent was due to pay rent at the rate of £780 per calendar month.
10. The sum of £4087.35 is due to the Applicant in unpaid rent

### **Reasons for Decision**

11. The Legal Member is satisfied that the Respondent entered into a tenancy agreement with the Applicant and undertook to pay rent at the rate of £780 per month. The tenancy ended on or about 22 January 2020, when the Respondent vacated the property without giving notice. Between 31 January 2019 and 22 January 2020, the Respondent incurred rent arrears in the sum of £4087.35. She has made no payments toward this sum. The sum remains outstanding and the Legal Member is satisfied that the Applicant is entitled to a payment order for this sum.

12. The Legal Member concludes that an order for payment should be granted against the Respondent.

### **Decision**

13. The Legal Member determines that an order for payment of the sum of £4087.35 should be granted against the Respondent.

### **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.**

**Josephine Bonnar, Legal Member**

**17 September 2020**