

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the Housing (Scotland) Act 2014.**

**Chamber Ref: FTS/HPC/CV/19/1068**

**Re: Property at Basement Right, 277 Holburn Street, Aberdeen, AB10 7FL (“the Property”)**

**Parties:**

**Mr Liam Rennie, 30 Balfour Road, Alford, Aberdeenshire, AB33 8NF (“the Applicant”)**

**Miss Courtney Gove, Miss Louise Smith, UNKNOWN, UNKNOWN (“the Respondents”)**

**Tribunal Members:**

**Valerie Bremner (Legal Member)**

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

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

This is an application for a payment order by the Applicant in respect of unpaid rent said to be lawfully due by the Respondents.

The Case Management Discussion was attended by Mrs Mollison on behalf of the Applicant who was unable to attend.

The Respondents did not attend and had not contacted the Tribunal in respect of the Application. The Application had been the subject of Service by Advertisement in terms of the Tribunal Rules of procedure. Mrs Mollison requested that the Tribunal proceed in absence of the Respondents and this was granted.

Ms Valerie Bremner

The Tribunal had sight of the Application, a certificate of service by advertisement, a rent schedule, a copy of the tenancy agreement and a copy of a letter regarding payment of Council tax.

### **Discussion**

The sum being sought by way of a payment order was £1516 which Mrs Mollison indicated was the arrears of rent due by the Respondents outstanding in the period from November 2018 to March 2019. This was said to be detailed on the rent schedule. There was a previous payment order granted by the Tribunal which covered unpaid rent up to and including rent due on 12th October 2018.

The tenancy agreement had commenced on 12<sup>th</sup> February 2018 with monthly rent of £550 and Mrs Mollison indicated that the tenants had vacated the property on or around 24<sup>th</sup> March 2019. The rent schedule reflected that there was only part payment sought for March 2019.

Mrs Mollison advised the Tribunal that no deposit had been taken from the Respondents in respect of the property and that she was not aware of any arrears being due to any delay or failure in payment of housing or any other benefit.

### **Findings in Fact**

The Applicant and Respondents entered into a lease with effect from 12<sup>th</sup> February 2018.

The lease provided that rent was payable by the Respondents at the rate of £550 per month.

The sum of £1516 is outstanding by way of unpaid rent up until the date in March 2019 when the property was vacated by the Respondents.

The arrears have not accrued due to any delay or failure in the payment of housing or any other benefit.

### **Reasons for Decision**

The sum of £1516 is outstanding and lawfully due by the Respondents by way of rent arrears accrued up to the date when the property was vacated.

**Decision**

The Tribunal decided that an order for payment of £1516 should be made in favour of the Applicant against the Respondents.

**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.

Ms Valerie Bremner

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**Legal Member/Chair**

24 July 2019

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**Date**