



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 70(1) of the Private Housing
Tenancies (Scotland) 2016**

Chamber Ref: FTS/HPC/CV/19/1123

**Re: Property at 7 Mugiemooss Drive, Bucksburn, Aberdeen, AB21 9NW (“the
Property”)**

Parties:

**Ms Kara Johnston, 7 Mugiemooss Drive, Bucksburn, Aberdeen (“the Applicant”)
Mr Rhys Butler, whose whereabouts are unknown (“the Respondent”)**

Tribunal Members:

Ruth O'Hare (Legal Member)

Decision

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined to make an order in the sum of Two thousand three
hundred and eighty six pounds and thirty one pence (£2,386.31).**

Background

- 1** By application dated 8 April 2019 the Applicant sought an order for payment of outstanding rent arrears against the Respondent.
- 2** By Notice of Acceptance of Application dated 28 May 2019, the Legal Member with delegated powers of the Chamber President intimated that there were no grounds for rejection of the application. A Case Management Discussion was therefore assigned for 18th July 2019.
- 3** On the basis that the Respondent's whereabouts are unknown and having been satisfied that the Applicant had made reasonable efforts to locate him, the Tribunal arranged for service to be effected by advertisement on the website in accordance with Rule 6A of the Procedural Rules as amended. Service was carried out during the period 6 June 2019 and 18 July 2019.

The Case Management Discussion

- 4 The Case Management Discussion took place at Credo Centre, Aberdeen on 18th July 2019. The Applicant was represented by her mother Emma Johnston. The Respondent was not present.
- 5 Mrs Johnston confirmed the Respondent had been liable to pay rent of £750 per month for the property. The Respondent had only been in the property for three months when he had stopped paying rent. He had initially said he'd lost his job and had found another job. He offered payment by instalments but failed to adhere to this. Aberdeen Considine were trying to get in touch with him but he wouldn't answer. He was given Notice to Leave the property and was due to move out in November 2018 however he failed to leave until 4th February 2019.

Findings in Fact

- 6 The Applicant and Respondent entered into a Tenancy Agreement regarding the Property at 7 Mugiemooss Drive, Bucksburn, Aberdeen, which commenced on 4 May 2018.
- 7 In terms of the said Tenancy Agreement the Respondent undertook to pay rent of £750 per month.
- 8 The tenancy terminated on 4th February 2019. As at the date of termination rent arrears in the sum of £2386.31 were outstanding.
- 9 The Respondent has refused or delayed in making payment of the sum due.

Reasons for Decision

- 10 Having considered the verbal and written representations from the Applicants the Tribunal was satisfied at the Case Management Discussion that it was able to make sufficient findings to determine the case without a hearing and that to do so would not be prejudicial to the interests of the parties. The Tribunal was satisfied that the Respondent had received proper and reasonable notification of the Case Management Discussion by virtue of service by advertisement on the Tribunal website. The Tribunal further noted that an email had been sent to the Respondent advising him of this. He had not sought to dispute the terms of the application and had not taken the opportunity to attend the Case Management Discussion.
- 11 The Tribunal accepted based on its findings in fact that the sum of £2,386.31 is lawfully due by the Respondent. The submissions put forward by the Applicant were entirely credible and the Respondent had not sought to counter same.
- 12 The Tribunal therefore determined to make an order for payment in the sum of £2,386.31.

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

18 July 2019

Date