

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 16 of the Housing (Scotland)
Act 2014**

Chamber Ref: FTS/HPC/CV/21/2367

Re: Property at 163D Crown Street, Aberdeen, AB11 6HT (“the Property”)

Parties:

**OPO Properties Ltd, 5 The Square, Tarves, Ellon, Aberdeenshire, AB41 7JW
 (“the Applicant”)**

**Ms Kate Walbrecq, sometime 163D Crown Street, Aberdeen, AB11 6HT (“the
Respondent”)**

Tribunal Members:

George Clark (Legal Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that the application should be decided without a Hearing
and made an Order for Payment by the Respondent to the Applicant of the sum
of £2,800.**

Background

By application, received by the Tribunal on 3 November 2021, the Applicant sought an Order for Payment in respect of unpaid rent that had become lawfully due by the Respondent to the Applicant. The sum sought was £2,320.

The application was accompanied by a copy of a Private Residential Tenancy Agreement between the Parties, commencing on 15 April 2021 at a rent of 480 per month, and a Rent Statement showing arrears as at 15 October 2021 of £2,320.

On 22 December 2021, the Tribunal advised the Parties of the date and time of a Case Management Discussion, and the Respondent was invited to make written representations by 12 January 2022. The Respondent did not make any written representations to the Tribunal.

On 26 January 2022, the Applicant forwarded to the Tribunal an email from the Respondent dated 19 December 2021, in which she stated that she had vacated the Property. She acknowledged the debt and stated her intention to start making payments in January to reduce it. The Applicant stated that, as the Respondent had not given the 28 days' notice provided for in the Tenancy Agreement, they were taking the end date as 16 January 2022 and wished to increase the amount sought to £3,280, adding the rent payments that fell due on 15 November and 15 December 2021.

Case Management Discussion

A Case Management Discussion was held by means of a telephone conference call on the afternoon of 27 January 2022. The Applicant was represented by Mr John Gilmour, one of their Directors. The Respondent was not present or represented. The Applicant was seeking the increased sum of £3,280 but accepted that the Respondent had not been given timeous notification of and an opportunity to challenge the contention that the Tenancy Agreement did not end until 16 January 2022.

Reasons for Decision

Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 provides that the Tribunal may do anything at a Case Management Discussion which it may do at a Hearing, including making a Decision. The Tribunal was satisfied that it had before it all the information and documentation it required to enable it to decide the application without a Hearing.

The Tribunal was satisfied that the amount sought in the application had become lawfully due by the Respondent to the Applicant and, as the Respondent had, in her email to the Respondent of 19 December 2021, acknowledged that she had not been paying rent, the Tribunal was prepared to add to the sum sought the rent that fell due on 15 November 2021, thereby increasing the amount sought by the Applicant to £2,800.

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.

George Clark

Legal Member/Chair

27 January 2022

Date

