



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 (“the Act”) and Rule 111 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”)

Chamber Ref: FTS/HPC/CV/22/2394

Re: Property at 5, Craigmear Court, Mains of Concraig, Kingswells, Aberdeen, AB15 8RL (“the Property”)

Parties:

Craigmear Properties, Chapel Works, Bucksburn, Aberdeen AB 21 9TL (“the Applicant”)

Natalie Bruce and Adam Melzi both residing at 5, Craigmear Court, Mains of Concraig, Kingswells, Aberdeen, AB15 8RL (“the Respondents”)

Tribunal Members:

Karen Moore (Legal Member) and Elaine Munroe (Ordinary Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an Order for Payment in the sum of FOUR THOUSAND TWO HUNDRED AND FIFTY POUNDS (£4,250.00) Sterling be granted.

1. By application received on 19 July 2022 (“the Application”), the Applicant applied to the Tribunal for an Order for payment of rent arrears arising from a tenancy between the Parties. The Application comprised statements of rent of £4,250.00 due and owing by the Respondent to 15 July 2022, copy tenancy agreement between the Parties, copy rent statement and copy correspondence between the Applicant and the Respondent in respect of pre-action requirements. The Application was accepted by the Tribunal and a Case Management Discussion (the “CMD”) was fixed for 26 October 2022 at 14.00 by telephone conference. The CMD was intimated to the Parties and, in particular, was served on the Respondents by Sheriff Officer on 14 September 2022.

CMD

2. The CMD took place on 26 October 2022 at 14.00 by telephone conference by telephone. The Applicant took part in the CMD. The Respondents did not take part and were not represented. They did not submit any written representations.
3. The Applicant confirmed the rent arrears sought in the Application remain outstanding and that a further £2,550.00 has accrued since the Application was lodged. He accepted that the Application had not been amended to take account of the additional sum.

Findings in Fact

4. From the Application and the CMD, the Tribunal made the following findings in fact: -
 - i) There is a tenancy of the Property between the Parties at a monthly rent of £850.00 and
 - ii) Rent amounting to £4,250.00 is currently due and owing due and owing by the Respondent to the Applicant.

Decision

5. Having made those findings, the Tribunal had regard to Rule 17(4) of the Rules which states that the Tribunal “may do anything at a case management discussionincluding making a decision” and so proceeded to make an order for payment in the sum of £4,250.00.

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.

Karen Moore

Legal Member/Chair

26 October 2022
Date