



**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) Act 2016**

Chamber Ref: FTS/HPC/CV/19/2315

Re: Property at 50 Barra Crescent, Fraserburgh, Aberdeen (“the Property”)

Parties:

**Mrs Lorraine Gerrard, 27 Sunnyside Avenue, Drumoak, Banchory, AB31 5EF
 (“the Applicant”)**

**Friends Legal, 5th Floor, the Centrum Building, 38 Queen Street, Glasgow, G1
3DX (“the Applicant’s Representative”)**

Alisha Morris, 10 Barratt Drive, Ellon, AB41 9RX (“the Respondent”)

Tribunal Members:

Ruth O'Hare (Legal Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined to make an order for payment in the sum of One
thousand and eighty seven pounds and forty seven pence (£1087.47) against
the Respondent.**

Background

- 1 By application dated 24th July 2019 the Applicant sought an order for payment against the Respondent in respect of unpaid rent in the sum of £1087.47. In support of the application the Applicant provided the following documentation:-
- (i) Tenancy Agreement between the parties dated 15th November 2018, in terms of which the Respondent undertook to pay £600 per month;
 - (ii) Form AT6 Notice of Intention to Raise Proceedings for Possession;
 - (iii) Notice to Quit and Notice under section 33(1)(d) of the Housing (Scotland) Act 1988;

- (iv) Rent Account from 16 November 2018 to 15 April 2019 showing a balance of arrears in the sum of £1680.27.
- 2 By Notice of Acceptance of Application dated 8th August 2019 the Legal Member with delegated powers of the Chamber President intimated that there were no grounds to reject the application. A Case Management Discussion was therefore assigned for 25th September 2019.
- 3 The application paperwork together with notification of the Case Management Discussion was served on the Respondents by Sheriff Officers on 16th August 2019.

The Case Management Discussion

- 4 The Case Management Discussion took place on 25th September 2019 at the Credo Centre, Aberdeen. Alan Duffel appeared on behalf of the Applicants Representative as local agent.
- 5 Mr Duffel confirmed that the Applicant has had no contact from the Respondent and is seeking a payment order in the sum of £1087.47 as claimed in the application. The Respondent was due these sums under the terms of the tenancy agreement between the parties.

Findings in Fact and Law

- 6 The Parties entered into a Tenancy Agreement dated 15th November 2018.
- 7 In terms of the said Agreement the Respondents agreed to make payment of rent in the sum of £600 per month.
- 8 The tenancy between the parties terminated on 3rd April 2019. As at the date of termination arrears of rent in the sum of £1087.47 were outstanding.
- 9 The Respondent is liable to pay arrears of rent in the sum of £1087.47.
- 10 Despite repeated requests the Respondent has refused or delayed to make payment.

Reasons for Decision

- 11 The Tribunal was satisfied that it was able to continue with the Case Management Discussion in the absence of the Respondent. She had received service of the application by Sheriff Officers. The Tribunal therefore considered it could reasonably assume that she was aware of the Case Management Discussion and had been given the opportunity to attend or make written representations in response to the application.

- 12 The Tribunal was further satisfied that it was able to make a determination of the application at the Case Management Discussion and that to do so would not be prejudicial to the interests of the parties.
- 13 Based on the verbal and written representations from the Applicant and the Applicant's Representative, the Tribunal accepted that the Respondent was due to make payment of rent in the sum of £600 in terms of the Tenancy Agreement entered into between the parties. She had failed to do so. She had not put forward any evidence to counter the Applicant's position in this regard. The Tribunal found the Applicant's evidence to be credible and therefore accepted her position.
- 14 The Tribunal therefore determined to make an order for payment against the Respondents in the sum of £1087.47.

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.

R O'Hare

Legal Member/Chair

25/9/19

Date