



**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**

**Chamber Ref: FTS/HPC/CV/19/3793**

**Re: Property at 31D Adelphi, Aberdeen, AB11 5BL (“the Property”)**

**Parties:**

**Mr John Williams, c/o Aberdein Considine, 5-9 Bon Accord Crescent, Aberdeen, AB11 6DN (“the Applicant”)**

**Miss Rebecca Christie, Miss Haika Salam, UNKNOWN, UNKNOWN (“the Respondent”)**

**Tribunal Members:**

**Yvonne McKenna (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment should be granted in favour of the Applicant in the sum of £2413.22 , under section 71 of the Private Housing (Tenancies) (Scotland) Act 2016.**

**Background**

1. This is an application dated 26<sup>th</sup> November 2019 made in terms of Rule 111 of The Housing and Property Chamber (Procedure) Regulations 2017 as amended (“the Rules”). The Applicant is seeking an order for payment in respect of unpaid rent in the sum of £2413.22. The parties entered into a Private Residential Tenancy Agreement in respect of the Property which commenced on 4<sup>th</sup> April 2019. The rent was £550 per month. An order for Recovery of Possession was sought by the Applicant under a separate

application reference FTS/HPC/EV/19/3792. The Applicant recovered possession of the Property on 30<sup>th</sup> January 2020. The Applicant included a copy of the tenancy agreement and a schedule of rent arrears with the application.

2. The case was set down for a Case Management Discussion (“CMD”) on 31<sup>st</sup> March 2020. The CMD was postponed due to the COVID19 outbreak. A further CMD was scheduled for 9<sup>th</sup> July 2020.

3. By Order dated 11<sup>th</sup> June 2020 the CMD set for 9<sup>th</sup> July 2020 was postponed due to the COVID19 outbreak until 19<sup>th</sup> August 2020 at 10am by teleconference hearing.

4. Service upon the Respondent was made by advertisement on the website of the First-tier Tribunal for Scotland Housing and Property Chamber from 15<sup>th</sup> July 2020 until 19<sup>th</sup> August 2020.

5. The Applicant had originally at the time the application was made sought an order for rent arrears in the sum of £1375. An application was made to the Tribunal in terms of Rule 14A on 11<sup>th</sup> February 2020 to increase the sum to £2413.22 to take account of the further sums due until the Property was vacated. Miss Salam left the Property on or before 7<sup>th</sup> November 2019. Ms. Christie intimated to Sheriff Officers that she had vacated the Property on 30<sup>th</sup> January 2020 which is the date that the Applicant recovered possession.

### **The CMD**

6. A CMD took place by telephone conference on 19<sup>th</sup> August 2020. The Applicant joined the CMD personally as did the Applicant’s Representative Mrs Stewart. The Respondent was not in attendance.

7. The Tribunal considered the terms of Rule 29 of the Rules. The Tribunal determined that service upon the Respondents had been carried out by advertisement on the website of the First-tier Tribunal for Scotland Housing and Property Chamber. The Tribunal determined that the requirements of Rule 24(1) had been satisfied and that it was appropriate to proceed with the

application in the absence of the Respondent upon the representations of the Applicant and the material before the Tribunal.

8. The Tribunal considered the terms of Rule 14A and allowed the request to amend the application to cover the period from when the application was submitted until when recovery of the Property was obtained.

9. The Applicant moved the Tribunal to grant the order sought for arrears in terms of the rent account produced, in the sum of £2413.22 in favour of the Applicant and his wife. The tenancy agreement is in the name of the Applicant and accordingly the order is granted in his sole name.

### **Findings in Fact**

10. (i) The parties entered into a Private Residential Tenancy Agreement in respect of the Property commencing on 4<sup>th</sup> April 2019.

(ii) The rent for the Property was £550 per month.

(iii) The Respondent failed to make payment of rent lawfully due in the sum of £2413.22.

(iv) The Applicant is entitled to recover rent lawfully due in terms of the tenancy agreement between the parties.

### **Decision**

**The Tribunal ordered the Respondent to pay the Applicant the sum of £2413.22**

### **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.**

**Yvonne McKenna**

**19<sup>th</sup> August 2020**

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**Legal Member/Chair**

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**Date**