



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/19/1390

Re: Property at 6 Hillview Road, Auchenblae, Aberdeenshire, AB30 1XT (“the Property”)

Parties:

Mr Roy Adamson and Mrs Elizabeth Adamson, Glenesk, 1 Alexander Crescent, Marykirk, Aberdeenshire, AB30 1XT (“the Applicant”)

Mr Brian Scott and Mrs Lisa Scott, 8 Old Mill Road, Newtonhill, AB39 3TZ (“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 against the Respondent in the sum of Six thousand and seventy six pounds and ten pence (£6076.10) Sterling

- 1 By application dated 3 May 2019 the Applicant sought an order for payment of rent arrears against the Respondent. The Applicant submitted the following documentation in support of the application:-
 - (i) Copy Tenancy Agreement between the Applicant and Respondent dated 19th September 2016; and
 - (ii) Rent Statement and Bank Statements
 - (iii) Email correspondence between the parties.
- 2 By Notice of Acceptance of Application the Legal Member with delegated powers of the Chamber President intimated that there were no grounds on

which to reject the application. A Case Management Discussion was therefore assigned for 19th November 2019.

- 3 A copy of the application paperwork together with notification of the Case Management Discussion was served on the Respondent by Sheriff Officers on 18th October 2019.

The Case Management Discussion

- 4 The Case Management Discussion took place on 19th November 2019. Mr Adamson was present and representing both himself and Mrs Adamson. The Respondents did not attend. The Tribunal noted that they had both been served with the paperwork by Sheriff Officers and therefore considered it was able to continue with the Case Management Discussion in the absence of the Respondents. Mr Adamson confirmed that he was seeking an order for payment in the sum of £6076.10.

Findings in Fact and Law

- 5 The parties entered into a Short Assured Tenancy Agreement in respect of the property which commenced on 15th March 2017.
- 6 In terms of the said Tenancy Agreement the Respondents were due to pay rent of £640 per month.
- 7 As at the date of termination of the Tenancy Agreement, being 15th June 2019, arrears in the sum of £6076.10 were outstanding.
- 8 The Respondents are liable to make payment of the sum of £6076.10 to the Applicants under the terms of the said Tenancy Agreement.

Reasons for Decision

- 9 The Tribunal was satisfied that it was able to continue with the Case Management Discussion in the absence of the Respondents. 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.
- 10 Having considered the terms of the tenancy agreement and rent statement produced by the Applicant, the Tribunal was satisfied that the Respondent was liable to pay the sum of £6076.10. They had not sought to dispute the terms of the application and there was no evidence before the Tribunal to

contradict the position put forward on behalf of the Applicants. The Tribunal therefore made an order for payment against the Respondents.

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

Date

19/11/19