



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 2014

Chamber Ref: FTS/HPC/CV/19/3454

Re: Property at FFR 669 George Street, Aberdeen, AB25 3XP (“the Property”)

Parties:

Mr James Love, 67 Sunnyside Road, Aberdeen, AB24 3LT (“the Applicant”)

DJP Solicitors, 226 Holburn Street, Aberdeen, AB10 6DB (“the Applicant’s Agent”)

Mr Gary Massie, 5b Palmerston Road, Aberdeen, AB11 5QP (“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 five hundred and eight seven pounds and forty eight pence (£6,587.48) Sterling

- 1 By application dated 28th October 2019 the Applicant sought an order for payment of rent arrears against the Respondents in respect of rent arrears for his former tenancy at the Property.
- 2 By Notice of Acceptance of Application dated 8th November 2019 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 13th January 2020.
- 3 A copy of the application paperwork together with notification of the date, time and location of the Case Management Discussion as served on the

Respondent by Sheriff Officers on 9th December 2019. Following service of the application no written representations were received from the Respondent.

The Case Management Discussion

- 4 The Case Management Discussion took place on 13th January 2020. Mr Dean Purdie from DJP Solicitors appeared on behalf of the Applicant. There was no appearance by or on behalf of the Respondent.
- 5 Mr Purdie explained that the Respondent had not been in touch and had not made any payments towards the outstanding balance. There had been an aborted eviction application however the Respondent had abandoned the property. They had since been able to track him down to a new address. Mr Purdie advised he was seeking an order of payment in the sum of £6587.48 as sought in the application.

Findings in Fact and Law

- 6 The parties entered into a Short Assured Tenancy Agreement in respect of the property which commenced on 14th October 2016.
- 7 In terms of the said Tenancy Agreement the Respondent undertook to make payment of rent at the rate of £495 per month.
- 8 On or around March 2018 the Respondent abandoned the property. The tenancy was thereafter terminated as at 14th March 2018.
- 9 As at the date of termination arrears in the sum of £6,587.48 were outstanding.
- 10 The Respondent is liable to pay the Applicant the sum of £6,587.48 in terms of the Tenancy Agreement between the parties.
- 11 Despite repeated requests the Respondent has refused or delayed to make payment of the sums due.

Reasons for Decision

- 12 The Tribunal was satisfied on the basis of the information before it 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. The Tribunal noted that the Respondent had been served with a copy of the application paperwork by Sheriff Officers together with notification of the date, time and location of the Case Management Discussion. The Tribunal

could therefore reasonably assume that he was aware of the proceedings and had been given the opportunity to enter the process.

- 13 Having considered the terms of the tenancy agreement and rent statement produced by the Applicant, and based on its findings in fact, the Tribunal was satisfied that the Respondent was liable to pay the sum of £6,587.48 to the Applicant in accordance with his obligations under the Tenancy Agreement between the parties. The Tribunal accepted that the Respondent had a contractual obligation to make payment of rent at the rate of £495 per month to the Applicant and had failed to do so. The Respondent 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 Applicant.
- 14 The Tribunal therefore made an order for payment against the Respondent in the sum of £6,587.48.

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

13/1/20

Date