



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 14 of the Housing (Scotland)
Act 2016**

Chamber Ref: FTS/HPC/CV/19/3380

Re: Property at 29 Summerhill Road, Aberdeen, AB15 6HJ (“the Property”)

Parties:

Mrs Iqra Ahmed, Glenwood, Den of Cults, Aberdeen, AB15 9SJ (“the Applicant”)

**Mrs Shannon McDonald, 29 Summerhill Road, Aberdeen, AB15 6HJ (“the
Respondent”)**

Tribunal Members:

Helen Forbes (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 the sum
of £4,200 in favour of the Applicant**

Background

1. By application received in the period between 22nd October and 6th December 2019, the Applicant sought an order for payment under Rule 111 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 as amended (“the Rules”). The Applicant provided copy tenancy agreement, rent schedule, email correspondence between the parties and bank statements.
2. Intimation of the application and Case Management Discussion (“CMD”) had been made upon the Respondent at the Property by Sheriff Officers leaving papers on 7th January 2020; however, the Respondent had informed the Applicant by email dated 14th September 2019 that she had left the Property.
3. Service by advertisement on the Respondent of the CMD notification letter dated 30th January 2020, containing details of the CMD arranged for 27th

February 2020, at 10 am in The Credo Centre, 14 – 20 John Street, Aberdeen was carried out on the First-tier Tribunal for Scotland Housing and Property Chamber website between 30th January and 27th February 2020.

4. The Respondent did not make any written representations to the Tribunal.

The Case Management Discussion

5. A CMD was held on 27th February 2020, at 10 am in The Credo Centre, 14 – 20 John Street, Aberdeen. The Applicant was in attendance. The Applicant's husband, Mr Shah Nawaz Ahmed, attended as a Supporter. The Respondent was not present or represented. The Tribunal was satisfied that the requirements of Rule 24(1) has been complied with and notice given of the CMD, and that it was appropriate to continue with the CMD in the absence of the Respondent in terms of Rule 29.
6. The tenancy commenced on 11th May 2019 and the monthly rent was £1050. At the time of making the application, the sum of £4200 was outstanding for the period from 11th August to 11th November 2019.
7. The Applicant informed the Tribunal that the sum outstanding was now over £7000; however, no application had been made to increase the sum sought in accordance with the Rules.
8. The Tribunal allowed a short adjournment for the Applicant and her Supporter to discuss the options.
9. The Tribunal reconvened and the Applicant moved the Tribunal to grant an order in the sum of £4200.

Findings in Fact

- (i) The parties entered into a Private Residential Tenancy Agreement on 11th May 2019.
- (ii) The rent due to be paid by the Respondent in terms of the tenancy agreement was £1050 per month.
- (iii) The Respondent has failed to make payment of rent lawfully due to the Applicant.
- (iv) The Applicant is entitled to recover rent lawfully due.

Reasons for Decision

10. The parties entered into a tenancy agreement in respect of the Property. Rent due by the Respondent to the Applicant was £1050 per month. The

Respondent has failed to pay the rent lawfully due and the Applicant is entitled to recover the outstanding sums.

Decision

11. An order for payment is granted in favour of the Applicant in the sum of £4200.

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.

Helen Forbes

Legal Member/Chair

Date: 27th February 2020