



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the Housing (Scotland) Act 2014

Chamber Ref: FTS/HPC/CV/20/1926

Re: Property at 15 Bloomfield Court, Aberdeen, AB10 6DS (“the Property”)

Parties:

Kilkenny Properties Limited, 8 Victoria Street, Aberdeen, AB10 1XB (“the Applicant”)

Mr Russell Niven, 15 Bloomfield Court, Aberdeen, AB10 6DS (“the Respondent”)

Tribunal Members:

Richard Mill (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an payment order in the sum of two thousand five hundred pounds sterling (£2,500) be granted against the respondent

Introduction

This is an application under Rule 70 and Section 16 of the Housing (Scotland) Act 2014. The application seeks a payment order which relates to arrears of rent arising from an assured tenancy.

Service of the application and intimation of the Case Management Discussion (CMD) to take place on 29 October 2020 at 11.30 am was effected upon the respondent by Sheriff Officer delivery on 24 September 2020.

The applicant was represented by Adam Morrow of Messrs Martin & Co, Letting Agents. The respondent did not participate in the teleconference hearing. There was no barrier to him doing so. No written representations or submissions have been received by or on behalf of the respondent.

Findings and Reasons

The property is 15 Bloomfield Court, Aberdeen AB10 6DS.

The applicant is Kilkenny Properties Limited. The respondent is Mr Russell Niven.

The applicant is the landlord. The respondent is the tenant. The parties entered into a short assured tenancy which commenced on 16 June 2016. The monthly rent was stipulated at £650 per month.

A copy of the short assured tenancy and a statement of account showing the rental payments falling due together with all payments made by the respondent were produced. These are credible and reliable documents, and the Tribunal attached weight to them.

The statement of account discloses that the respondent has fallen into rent arrears. As at the date of application, the statement discloses that the respondent was in arrears of rent to the extent of £2,500. This is reflected as at 27 August 2020.

The rent statement also discloses that agreed reductions in rent have been applied during the tenancy. The regular rent was lowered firstly to £625 and then to £600 per month. Additionally for the months of April and May 2020 the rent was reduced to £300 to reflect the financial impact of Covid-19 restrictions.

The applicant is entitled to recover arrears of rent due under the lease.

A payment order in the sum of £2,500 is granted against the respondent.

The respondent remains in the property. It is noted that a notice to quit has been served upon the respondent. Due to the extension of the notice period under the Coronavirus (Scotland) Act 2020 this requires him to vacate the property on or before 17 March 2021.

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.

29 October 2020

Legal Member/Chair

Date