



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

**Chamber Ref: FTS/HPC/CV/20/1989**

**Re: Property at 24 Alexander Drive, Tillydrone, Aberdeen, AB24 2XE (“the  
Property”)**

**Parties:**

**Mrs Alison Iveson, 4 Waystead Close, Kingsmead, Northwich, Cheshire,  
England, CW9 8NN (“the Applicant”)**

**Mr Adeyinka Alase, 24 Alexander Drive, Tillydrone, Aberdeen, AB24 2XE (“the  
Respondent”)**

**Tribunal Members:**

**Josephine Bonnar (Legal Member)**

**Decision in absence of the Respondent**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
Tribunal”) determined that a payment order for the sum of £3450 should be  
granted against the Respondent in favour of the Applicant.**

**Background**

1. By application received on 16 September 2020 the Applicant seeks a payment order against the Respondent. A copy short assured tenancy agreement and rent statement were lodged with the application.
2. A copy of the application and supporting documents were served on the Respondent by Sheriff Officer on 9 October 2020. Both parties were advised that a Case Management Discussion (“CMD”) would take place on 11 November 2020 at 2pm by telephone conference call and that they were required to participate. The case called for a CMD on that date. The Applicant was represented by Mr Morrow. The Respondent did not participate and was

not represented. He did not contact the Tribunal or lodge written representations in advance of the CMD.

### **Case Management Discussion**

3. Mr Morrow advised the Legal Member that the Respondent sent him an email stating that he was not feeling well and would not be participating in the CMD. He confirmed that the Respondent remains in occupation of the property although he has been served with notice and is due to vacate the property in March 2021.
4. The Legal Member proceeded to discuss the rent statement submitted by the Applicant. Although the rent charge specified in the copy tenancy agreement is £520 per month, the rent statement shows a rent charge from August 2017 of £600. Prior to this, the rent charge from the start of the tenancy is shown as £520. Mr Morrow advised the Legal Member that the Applicant had increased the rent to £600, and the Respondent had agreed to the increased figure. From August 2017 until March 2020 the Respondent had paid the rent due of £600 on time and had been a good tenant. From March 2020, only two payments of £50 and £100 were made, and the balance outstanding at the date the application was lodged was £3450, as shown on the statement. Mr Morrow also advised that two further rent instalments have been missed although a payment of £370 has been received. He confirmed that the sum of £3450 remains outstanding and an order for payment is sought for this sum.

### **Findings in Fact**

5. The Applicant is the owner and landlord of the property.
6. The Respondent is the tenant of the property in terms of a tenancy agreement dated 12 January 2017.
7. The Respondent is due to pay rent at the rate of £600 per month.
8. The Respondent has been in arrears of rent since 12 April 2020.
9. The Respondent owes the sum of £3450 in unpaid rent to the Applicant for the period 12 April 2020 until 11 October 2020.

### **Reasons for Decision**

10. The Legal Member considered the application and the information provided by the Applicant's representative at the CMD. The Legal Member notes that although the tenancy agreement states that rent is due at the rate of £520 per month, the Respondent appears to have paid the sum of £600 per month from

August 2017 until March 2020, when the account went into arrears. The Applicant confirmed that the increased figure was agreed between the parties. The Legal member is therefore satisfied that the rent due from August 2017 was £600 per month. The Legal member is also satisfied that the Respondent has failed to pay rent since March 2020 and that the balance outstanding on the rent account on 11 October 2020 was £3450. No payments have been made to these arrears and the Applicant is entitled to an order for payment for this sum.

## **Decision**

11. The Legal Member determines that a payment order should be granted against the Respondent for the sum of £3450.

## **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.**

---

**Josephine Bonnar, Legal Member**

**11 November 2020**