

Housing and Property Chamber
First-tier Tribunal for Scotland



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

Chamber Ref: FTS/HPC/CV/21/0467

Re: Property at 11 King's Cross Road, Aberdeen, AB15 6BE (“the Property”)

Parties:

Mr George Jamieson, 6 Maryville Park, Aberdeen, AB15 6DU (“the Applicant”)

Mrs Annette Masson, 11 King's Cross Road, Aberdeen, AB15 6BE (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member) and Ann Moore (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that

Background

The Applicant seeks a Payment Order under in respect of rent arrears said to have been accrued by the Respondent under a tenancy between the parties at the Property. The Applicant seeks the sum of £10,200.00.

The Case Management Discussion

The Application called alongside the related case of FTS/HPC/EV/21/0833 which related to an Eviction Order. Details of the Case Management Discussion and information about how to join the conference call had been served on the Respondent by Sheriff Officers on 6 May 2021. Mr Jamieson was present on the call but there was no appearance by or on behalf of the Respondent. The Tribunal decided that the Respondent had had fair notice of the Hearing and proceeded with the Case Management Discussion.

The Tribunal heard from Mr Jamieson about the rent arrears due and also considered the Application and the bank statements and rent statement produced alongside the Application.

Having done so, the Tribunal made the following findings in fact.

Findings in Fact

- I. *The parties entered into a Short Assured Tenancy in respect of the Property;*
- II. *The Applicant is the landlord and the Respondent is the tenant;*
- III. *The Applicant has fallen into rent arrears and has not paid any rent since March 2020;*
- IV. *The Applicant has made significant efforts to engage with the Respondent about the rent arrears which the Respondent has accrued at the Property;*
- V. *The Applicant has proposed reduced rent payments but these offers have gone unacknowledged;*
- VI. *When the Applicant has attended at the Property to try and speak to the Respondent, he has been given short shrift by the Respondent who has made no effort to engage with the Applicant;*
- VII. *The Applicant has gone to significant lengths to try and resolve matters with the Respondent, but the Respondent has made no attempt to cooperate;*
- VIII. *The sum of £10,200.00 was lawfully due as rent arrears by the Respondent to the Applicant when the Application was lodged with the Tribunal;*
- IX. *It is reasonable that a Payment Order in the amount of £10,200.00 is made.*

Reasons for Decision

Having made the above findings in fact, the Tribunal decided to grant the Payment Order.

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.

A. McLaughlin

Legal Member:

Date: 24/05/2021