



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/21/0966

Re: Property at 1 Tillybrake Gardens, Banchory, Aberdeenshire, AB31 5QG (“the Property”)

Parties:

Mrs Kyrstie Anderson, Mill O Brae, Midmar, Inverurie, Aberdeenshire, AB51 7NB (“the Applicant”)

Mr Stephen Anderson, 18 Sycamore Road, Banchory, Aberdeenshire, AB31 3JP (“the Respondent”)

Tribunal Members:

Karen Moore (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 of £4,025.00 be granted.

Background

1. By application received between 21 April 2021 and 13 May 2021 (“the Application”), the Applicant, made an application to the Tribunal for a payment order in terms of Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”) in respect of rent amounting to £3,375.00 due and owing to her by the Respondent. A copy of the private rented tenancy agreement between the parties showing a monthly rental of £650.00, a rent statement showing arrears of £3,725.00, photographs of the poor condition of the Property and a statement that cleaning costs of £450.00 were incurred were lodged as part of the Application.
2. On 20 May 2021, a legal member of the Tribunal with delegated powers of the Chamber President accepted the Application and a Case Management Discussion (“CMD”) was arranged for 6 July 2021 at 14.00 by telephone conference call. The CMD was intimated to both Parties and, in particular, was intimated to the Respondent by Sheriff Officer on 1 June 2021.

Case Management Discussion

3. The CMD took place on 6 July 2021 at 14.00 by telephone conference call. The Applicant was present. The Respondent was not present and was not represented.

4. The Applicant advised that no payment had been received from the Respondent and that the sum as claimed in the Application remained due and owing.

Findings in Fact

5. From the Application and the CMD, the Tribunal found that a private rented tenancy agreement existed between the parties at a monthly rent of £650.00. Having no reason to disbelieve the Applicant, the Tribunal found that rent arrears amounting to £3,725 had accrued and are due and owing to the Applicant by the Respondent. In addition, the Applicant has incurred cleaning costs of £450.00

Decision and Reasons for Decision

6. Having found that a total sum of £4,025.00 as claimed by the Applicant is due and owing and having no evidence to the contrary, the Tribunal had regard to Rule 17(4) of the Rules which state that the Tribunal “may do anything at a case management discussion which it may do at a hearing, including make a decision”. Accordingly, Tribunal determined to grant the 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.

Karen Moore

Legal Member/Chair

Date 6 July 2021