

**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) in terms of 17 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”)
In respect of an application under Section 71(1) of the Private Housing (Tenancies) (Scotland) Act 2016 (“the Act”) and Rule 111 of the Rules**

Chamber Ref: FTS/HPC/CV/21/2258

Re: Property at 11 Faithlie Street, Fraserburgh, AB43 9LJ (“the Property”)

Parties:

Mrs Grace Taylor, Rabey Villa, Blaweane Road, Sanquhar, DG4 6BS (“the Applicant”) per her agents Trinity Factors, 1, South Mount Street, Aberdeen, AB25 2TN (“the Applicant’s Agents)

Mr Brian James Kerr, 11 Faithlie Street, Fraserburgh, AB43 9LJ (“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 in the sum of THREE THOUSAND NINE HUNDRED AND SIXTY NINE POUNDS AND EIGHTY SIX PENCE (£3,969.86) Sterling

1. By application received on 15 September 2021 (“the Application”), the Applicant’s Agents applied to the Tribunal for an Order for payment of rent arrears of £3,969.86 arising from a tenancy between the Parties. The Application comprised a statement of rent due and owing to August 2021. The Application was accepted by the Tribunal and a Case Management Discussion (the “CMD”) was fixed for 17 January 2022 at 14.00 by telephone conference. The CMD was intimated to the Parties.

CMD

2. The CMD took place on 17 January 2022 at 10.00 by telephone. The Applicant did not take part and was represented by Ms. Rachel MacDonnell of the Applicant’s Agents. The Respondent did not take part and was not represented. He did not submit any written representations.

3. Ms. McDonnell confirmed the sum sought and advised that further rent had fallen due, but stated that the Application had not been amended for the greater sum.

Findings in Fact

4. From the Application and the CMD, the Tribunal made the following findings in fact: -
 - i) There had been a tenancy of the Property between the Parties at a monthly rent of £450.00.
 - ii) Rent amounting to £3,969.86 to the end of August 2021 is outstanding and due and owing by the Respondent to the Applicant.

Decision

5. Having made those findings, the Tribunal had regard to Rule 17(4) of the Rules which states that the Tribunal “may do anything at a case management discussionincluding making a decision” and so proceeded to make an order for payment in the sum of £3,969.86.

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.

K Moore

17th January 2022

Legal Member/Chair

Date