

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 Section 71 (1) of the Private Housing (Tenancies) Act 2016

Chamber Ref: FTS/HPC/CV/21/2974

Re: Property at 509 Clifton Road, Aberdeen, AB24 4HH (“the Property”)

Parties:

SALSAWY LTD, 1 DARTMOUTH ROAD, MANCHESTER, M45 6AS (“the Applicant”)

Miss JADE ELIZABETH LINTS MASSEY, MR SEAN MCGREGOR, 8D SANDILANDS DRIVE, ABERDEEN, AB24 2PX; UNKNOWN, UNKNOWN, UNKNOWN, UNKNOWN (“the Respondents”)

Tribunal Members:

Andrew McLaughlin (Legal Member)

Decision (in absence of the Second Respondent)

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

Background

The Applicant seeks a Payment Order against The Respondents in the sum of £3,800.00 for rent arrears said to have been accrued by the Respondents under a tenancy between the parties. The Application is accompanied by a copy of the tenancy agreement and a rent statement in support of the sums claimed.

The Case Management Discussion

The Application called for a Case Management Discussion (CMD) by conference call at 2pm on 23 March 2022. The Applicants were represented on the call by Ms Tighe of Jackson Boyd Solicitors. Ms Massey was also present on the call. There was no appearance by or on behalf of the Second Respondent. His whereabouts could not be established and the Tribunal had previously granted permission for service by advertisement. This had been effected.

Ms Massey acknowledged that the sums due were accurate and that there was no substantive defence to the Application.

The Tribunal found the following facts established.

Findings in fact

- I. The parties entered into a tenancy which commenced on 7 October 2020;*
- II. The Applicant was the landlord and the Respondents were the tenants;*
- III. The contractual monthly rent due was £850.00 per month;*
- IV. The Respondents fell into rent arrears;*
- V. The Respondents vacated the Property with the sum of £3,800.00 lawfully due to the Applicants but remaining unpaid;*

Reasons for Decision.

Having made the above findings in fact, the Tribunal decided to grant the Application and to make a Payment Order against the Respondents in the sum of £3,800.00. Ms Massey indicated an intention to make an Application for a Time to Pay Order and advised that she would review the Tribunal website to familiarise herself with what was required.

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.

23 March 2022

Legal Member/Chair

Date