



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) arising from a tenancy under Section 1 of the Private Housing (Tenancies)(Scotland) Act 2016**

**Chamber Ref: FTS/HPC/EV/22/0861**

**Re: Property at 42 Mugiemooss Road, Bucksburn, Aberdeen, AB21 9PF (“the Property”)**

**Parties:**

**LAR Housing Trust, F3 Buchan House, Enterprise Way, Fife, Dunfermline, KY11 8PL (“the Applicant”)**

**Ms Chloe Beattie, 42 Mugiemooss Road, Bucksburn, Aberdeen, AB21 9PF (“the Respondent”)**

**Tribunal Members:**

**Susan Christie (Legal Member) and Angus Lamont (Ordinary Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order is granted against the Respondent for payment to the Applicant in the sum of Five Thousand and Forty Pounds and Sixty-Eight Pence (£5,040.68) Sterling, with interest thereon at the rate of 2% per annum running from the date of the decision of the First-tier Tribunal to grant this order, being 29 June 2022, until payment.**

**Background**

1. The application for an eviction order was accepted by the tribunal on 12 April 2022. The Applicant seeks a payment order.
2. The tribunal paperwork was served on the Respondent personally by Sheriff Officer’s service on 20 May 2022.
3. No written representations were submitted by the Respondent.
4. On 7<sup>th</sup> June 2022 the Applicant made an amendment to the sum sought increasing it to £5635.68 and produced to the tribunal an updated rent accounts statement and evidence of intimation on the Respondent.

## **The Case Management Discussion- 29 June 2022**

5. A Case Management Discussion (CMD) took place on 29 June 2022 at 10am by conference call. The Applicant was represented by Ms Donnelly.
6. The Respondent did not participate.
7. The paperwork having been served on the Respondent by Sheriff Officer service, the tribunal was satisfied that proper intimation of the application and the date assigned had been made on the Respondent and proceeded in her absence.
8. The paperwork submitted along with the Application was examined and discussed.
9. The Applicant is the registered owner of the Property and landlord.
10. A Private Residential Tenancy (PRT) was entered into between the Applicant and the Respondent on 30 May 2019, with the same start date.
11. The rent is £613.98 per calendar month payable in advance on 1<sup>st</sup> of the month.
12. The rent account statements produced were considered. The rent arrears as at today are £5040.68.
13. The last payments made into the rent account totalled £595 on 10 June by way of benefit payments.
14. The Applicant seeks a payment order and interest of 2% or 3% on the sum due until payment is made, at the tribunal's discretion.

### **Findings in Fact**

- I. A Private Residential Tenancy (PRT) was entered into between the Applicant and the Respondent on 30 May 2019, with the same start date.
- II. The rent is £613.98 per calendar month payable in advance on 1<sup>st</sup> of the month, in terms of the PRT.
- III. The total arrears figure due today is £5040.68.
- IV. The Tribunal grants a payment Order for the Respondent to pay the Applicant £5040.68. Interest is awarded at the rate of 2% until payment.

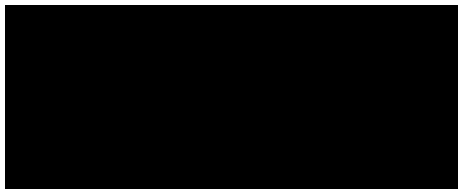
### **Reasons for Decision**

15. The paperwork having been served on the Respondent by Sheriff Officer service, the tribunal was satisfied that proper intimation of the application and the date assigned had been made on the Respondent and proceeded in her absence. There was no participation by the Respondent, and she had not submitted to the tribunal any response to the application or any written representations. The tribunal had regard to all that was said, and the paperwork produced and carefully considered it. A Private Residential Tenancy (PRT) was entered into between the Parties. The Respondent had undertaken to pay the stated rent in advance on 1<sup>st</sup> of the month. There have been different amounts of rent arrears over a long period of time, sometimes clearing then accruing again. Arrears accrued from 1 August 2019 until around 10 March 2020. Arrears accrued from around 1

February 2021. There were no payments towards rent between April and November 2021. Payments of varying amounts were made after that believed to have been from benefits. As at today the rent arrears are £5040.68. A payment order is granted for that sum. Interest is sought on the unpaid sums due until payment is made. The tribunal is satisfied that it is appropriate to grant interest on the order for payment. This is granted at the rate of 2% at the tribunal's discretion and which is in line with the current use value of the money that is owed, based on the tribunal's understanding of the current borrowing rate for shorter term loans. The decision is unanimous.

### **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.**



**Legal Member/Chair**

**29 June 2022**  
**Date**