



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber) under Section 16 of the Housing (Scotland)  
Act 2014**

**Chamber Ref: FTS/HPC/CV/22/1634**

**Re: Property at 60 Montrose Drive, Aberdeen, AB10 7BX (“the Property”)**

**Parties:**

**Mr Fraser James Mitchell, 41 Polo Park, Stoneywood, Aberdeen, AB21 9JW (“the Applicant”)**

**Ms Nicole Shaw, Mr Alexander Stewart, Flat E 8 Powis Circle, Aberdeen, AB24 3YX; unknown, unknown (“the Respondent”)**

**Tribunal Members:**

**Alison Kelly (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 amount of £4700 should be made.**

**Background**

The Applicant lodged an application on 30<sup>th</sup> May 2022 under Rule 111 of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”) seeking payment of a sum of rent arrears.

Lodged with the Application were:

1. Copy Private Residential Tenancy commencing 29<sup>th</sup> April 2021 with a rent of £850 per month
2. Table of Rent Arrears
3. Notice to Leave

The Application was scheduled for a Case Management Discussion on 19<sup>th</sup> August 2022. The papers could not be served by Sheriff Officer and the CMD was cancelled.

The Applicants obtained a new address for Miss Shaw and the papers were served on her by Sheriff Officer on 28<sup>th</sup> September 2022.

The papers have been served on Mr Stewart by way of Advertisement on the Tribunal's website on 23<sup>rd</sup> September 2022.

The Applicant's solicitor lodged an amendment on 4<sup>th</sup> August 2022. This sought to add in a claim for damage to the property caused by the Respondents. Lodged with the amendment was a quote from a builder.

### **Case Management Discussion**

The Case Management Discussion ("CMD") took place by teleconference. The Applicant was represented by Miss elder of Aberdeen Considine, Solicitors. The Respondents did not attend and were not represented.

The Chairperson confirmed the purposes of a CMD in terms of Rule 17 of the Rules.

Miss Elder confirmed that the Respondents left the property on 11<sup>th</sup> June 2022 and at that date the rent arrears stood at £4700. She asked that an order be granted for payment in the amount of £4700.

Miss Elder also asked the Tribunal to grant an order for payment in the amount of £4740.73 being the amount on the quote for repairs. The Chairperson pointed out that the document lodged was not an invoice, and that when the work was carried out the amount charged could be more or less. The Chairperson gave Miss Elder the option of withdrawing the claim for repairs and re-raising it when the actual cost was known or continuing the CMD. Miss Elder opted to withdraw her claim for repairs in the meantime and have an order for payment of the rent arrears.

For the avoidance of doubt, no determination has been made in relation to the claim for damages. It has not been dismissed; it has been withdrawn by Miss Elder.

### **Findings in Fact**

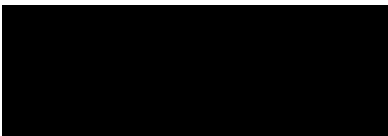
1. The parties entered in to a tenancy agreement for rent of the property;
2. The monthly rent was £850;
3. The Respondents left the property on 11<sup>th</sup> June 2022;
4. On the Respondents vacating the rent arrears owed were £4700.

## **Reasons for Decision**

The Respondents owe rent to the Applicant as at in the amount of £4700.

## **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.**



31<sup>ST</sup> October 2022

**Legal Member/Chair**

**Date**