



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/22/2936

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

Parties:

Salsawy Ltd, 1 Dartmouth Road, Manchester, M45 6AS (“the Applicant”)

Ms Frances Keir, UNKNOWN, UNKNOWN (“the Respondent”)

Tribunal Members:

Gabrielle Miller (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that Applicant was entitled to an order for payment by the Respondent for the sum of £3800.00 (THREE THOUSAND EIGHT HUNDRED POUNDS)

Background

1. An application was received by the Housing and Property Chamber dated 16th August 2022. The application was submitted under Rule 111 of The First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on the Respondent being guarantor to a lease where rent payments were not maintained.
2. On 2nd December 2022 all parties were written to with the date for the Case Management Discussion (“CMD”) of 1st December 2022 at 2pm by teleconferencing. The letter also requested all written representations be submitted by 14th November 2022.
3. As sheriff officers were not able to be affect service the CMD was postponed to 30th January 2023 at 2pm by teleconferencing.

4. Service by Advertisement was undertaken upon the Respondent from 2nd December 2022 until 30th January 2023.

The Case Management Discussion

5. A CMD was held 30th January 2023 at 2pm by teleconferencing. The Applicant was represented by Ms Lauren Tighe, Solicitor, Jackson Boyd solicitors. The Respondents were not present. The Tribunal proceeded in terms of Rule 29 of the Rules. The Respondent did not make representations in advance of the hearing.
6. The Respondent is guarantor in the lease. Ms Tighe confirmed that there was no reference in the lease regarding interest and that it was a matter for the Tribunal's discretion. Ms Tighe's firm had acted in the case regarding the tenants who accrued the rent arrears. No interest was applied in that case. The Tribunal did not consider it proportionate to award interest in this case given that it was not asked in the other case which pertained to the same rent arrears.
7. The Tribunal was satisfied that the outstanding amount for £3800 was due to the Applicant by the Respondent and that it was appropriate to grant an order accordingly.

Findings and reason for decision

8. A Private Rented Tenancy Agreement commenced 6th October 2020.
9. The Respondent is the guarantor to the tenancy. The tenants persistently failed to pay their rent charge of £850 per month.
10. The tenancy ended on 20th February 2021.
11. An order for payment was granted against the tenants of the Property on 23rd March 2022 for £3800.
12. The arrears sought total £3800.

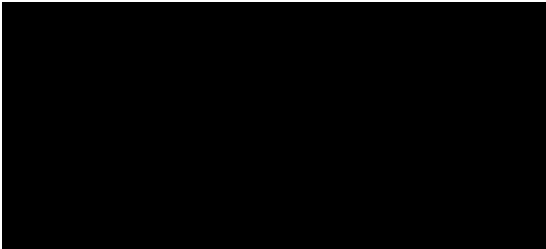
Decision

13. The Tribunal found that the Applicant was entitled to be granted an order for payment amounting to £3800.

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: Gaby Miller

30th January 2023

Date
