



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) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/22/3199

Re: Property at 62 Birch Grove, Mintlaw, AB42 5GL (“the Property”)

Parties:

Mr Harry Alan Burns, 212 Seatown, Cullen, Buckie, AB56 4SJ (“the Applicant”)

Mr Scott Jamieson, Miss Lianne Michaela Armet, 40 Birch Grove, Mintlaw, AB42 5GL; 40 Birch Grove, Mintlaw, AB42 5GL (“the Respondents”)

Tribunal Members:

Graham Harding (Legal Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant was entitled to an order for payment by the Respondents to the applicant in the sum of £9100.00.

Background

1. By application dated 1 September 2022 the Applicant’s representatives, Stewart & Watson, Solicitors, Peterhead, applied to the Tribunal for an order for payment in respect of alleged rent arrears arising from the Respondents’ tenancy of the property. The Applicant’s representatives submitted a copy of the tenancy agreement, copy rent statement and copy correspondence to the Respondents in support of the application.
2. By Notice of Acceptance dated 5 October 2022 a legal member of the Tribunal with delegated powers accepted the application and a Case Management Discussion (CMD”) was assigned.
3. Intimation of the CMD was served on the Respondents by Sheriff Officers on 24 November 2022.

The Case Management Discussion

4. A CMD was held by teleconference on 9 January 2022. The Applicant did not attend but was represented by Miss Rachel Bruce from the Applicant's representatives. The Respondents did not attend nor were they represented. The Tribunal being satisfied that proper intimation of the proceedings had been given to the Respondents determined to proceed in their absence.
5. Miss Bruce advised the Tribunal that the Respondents had vacated the property and returned the keys on 14 October 2022. She said she did not know what had happened with regards to the Respondents' deposit but that no further rent payments had been received and that the Applicant was still seeking an order for payment of £9100.00. The Tribunal noted that a further payment of rent of £650.00 would have become due for payment on 14 September 2022.
6. Miss Bruce explained that the Respondents had in a letter to the Applicant confirming they were moving out on 14 October 2022 acknowledged the debt and had offered to pay it off at the rate of £100.00 per month. She said this offer had not been accepted as it would take almost nine years to clear the debt.

Findings in Fact

7. The parties entered into a Private Residential tenancy that commenced on 14 June 2019 and ended on 14 October 2022.
8. The rent was £650.00 per calendar month.
9. The Respondents accrued rent arrears amounting to £9100.00.

Reasons for Decision

10. The Tribunal was satisfied from the written representations and documents together with the oral submissions that the parties entered into a Private Residential tenancy that commenced on 14 June 2019 at a rent of £650.00 per calendar month. The Tribunal was also satisfied that after the Respondents vacated the property there was rent outstanding amounting to £9100.00. The Respondents had not disputed the sum was due as they had not submitted any written representations nor had they attended the CMD. The Tribunal was satisfied that the Applicant was entitled to an order for the sum sought.

Decision

11. The Tribunal being satisfied it had sufficient information before it to make a decision without the need for a hearing finds the Applicant entitled to an order for payment by the Respondents to the Applicant in the sum of £9100.00.

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.

Graham Harding

Legal Member/Chair

9 January 2023
Date