



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/22/3993

Re: Property at 70 Sluie Drive, Dyce, Aberdeen, AB21 7LQ (“the Property”)

Parties:

Mr Andrew McKenzie, Mrs Pamela McKenzie, Drewela, Deanshaugh Road, Bishophill, Elgin, IV30 4JA; Drewela, Deanshaugh Road, Bishophill, Elgin, IV30 4JA (“the Applicant”)

Mr Martin Ritchie, Mr Liam Mutch, 1 Arbuthnott Street, Gourdon, Montrose, DD10 0LA; UNKNOWN, UNKNOWN (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) decided to grant the Application and made a Payment Order in favour of the Applicants against the Respondents in the sum of £11,887.50.

Background

The Applicants seek a Payment Order in the sum of £11,887.50 in respect of 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, rent statements and correspondence between the parties regarding the rent arrears.

The Case Management Discussion

The Application called for a Case Management Discussion (CMD) by conference call at 10 am on 20 April 2023. The Applicants were personally present. There was no appearance by or on behalf of the Respondents. The Application and information about how to join the conference call had been served on the Respondents by means of advertisement on the Tribunal website. This method of service had previously been allowed as the whereabouts of the Respondents could not be reasonably established. Accordingly, the Tribunal decided to proceed in the absence of the Respondents. Having considered the Application, and having heard from the Applicants, the Tribunal made the following findings in fact.

Findings in Fact

- I. *The Applicants and the Respondents entered into a tenancy agreement whereby the Applicants let the Property to the Respondents on a Private Residential Tenancy that commenced on 8 February 2020;*
- II. *The contractual monthly rent was £550.00;*
- III. *The Respondents fell into rent arrears;*
- IV. *The sum claimed in the Application of £11,887.50 is lawfully due as rent arrears by the Respondents to the Applicants but remains unpaid;*

Reasons for Decision

Having made the above findings in fact, the Tribunal decided to grant the Application and made a Payment Order in favour of the Applicants against the Respondents in the sum of £11,887.50.

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

20 April 2023

Date