



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/22/2526

Re: Property at 24C Summerfield Terrace, Aberdeen, AB24 5JH (“the Property”)

Parties:

Jandor Properties Ltd, Jandor, Muir Road, Memsie, Fraserburgh, AB43 7AQ (“the Applicant”)

Ms Sophie McKimmie, Croft of Upper Woodtown, Turriff, AB53 8EE (“the Respondent”)

Tribunal Members:

Graham Harding (Legal Member)

Decision

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 Respondent to the Applicant in the sum of £8845.75.

Background

1. By application dated 26 July 2022 the Applicant’s representatives, Laurie & Co, Solicitors, Aberdeen, applied to the Tribunal for an order for payment in respect of alleged rent arrears arising from the Respondent’s tenancy of the property. The Applicant’s representatives submitted a copy of the tenancy agreement together with a rent statement in support of the application.
2. By Notice of Acceptance dated 10 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 Respondent by Sheriff Officers on 25 November 2022.

4. By email dated 20 December 2022 the Applicant's representative sought to amend the sum claimed to £9445.75.
5. A CMD was held by teleconference on 10 January 2023.
6. The Applicant did not attend but was represented by Ms Fyffe from the Applicant's representatives. The Respondent did not attend. As the Tribunal was not satisfied that the Respondent had been served with the case papers it continued the CMD and the Applicant's representative confirmed she would try to provide the tribunal administration with the Respondent's current address. The Tribunal allowed the sum claimed to be amended to £9445.75.
7. By email dated 12 January 2023 the Applicant's representatives confirmed that the Respondent had received her copy of the case papers and provided a current address for her.

The Case Management Discussion

8. A CMD was held by teleconference on 20 March 2023. The Applicant did not attend but was again represented by Ms Fyffe. The Respondent attended in person.
9. The Respondent advised the Tribunal that she accepted that the sum claimed in respect of rent was correct. The Tribunal asked if the Respondent knew what had happened to her deposit and the Respondent said that she had been contacted by Safe Deposits and been told that it was not being returned.
10. Ms Fyffe advised the Tribunal that the deposit had been returned to the Applicant and that the sum now due amounted to £8845.75. The Respondent did not dispute this and said she wished to reach an agreement with the Respondent to pay by instalments. The Respondent explained that she was currently on maternity leave. The Tribunal noted she had not made an application for a Time to Pay Direction and that it would take the Respondent a long time to pay the debt. The Respondent said she wished the matter to be dealt with today.

Findings in Fact

11. The parties entered into a Private Residential tenancy that commenced on 12 February 2021 at a rent of £600.00 per calendar month.
12. The tenancy ended on 25 November 2022.
13. At the end of the tenancy the Respondent owed rent amounting to £9445.75.

14. The Respondent's deposit of £600.00 has been paid to the Applicant leaving a balance due of £8845.75.

Reasons for Decision

15. The Tribunal was satisfied from the written representations and documents submitted by the Applicant's representatives together with the oral submissions that the Applicant was entitled to an order for payment by the Respondent in the sum of £8845.75. This was not disputed by the Respondent

Decision

16. The Tribunal finds the Applicant entitled to an order for payment by the Respondent to the Applicant in the sum of £8845.75.

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

**Graham Harding
Legal Member/Chair**

**20 March 2023
Date**