



**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/22/4513

**Re: Property at 51 Dempsey Court, Queens Lane North, Aberdeen, AB15 4DY
("the Property")**

Parties:

**Binghill Estates Limited, Lesanga Lodge, Dalmuinzie Road, Bieldside,
Aberdeen, AB15 9EB ("the Applicant")**

**Mr Martin Vivian-Crowder, sometime 51 Dempsey Court, Queens Lane North,
Aberdeen AB15 4DY ("the Respondent"), whose present whereabouts are
unknown.**

Tribunal Members:

George Clark (Legal Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the
Tribunal") determined that the application should be decided without a Hearing
and made an Order for Payment by the Respondent to the Applicant of the sum
of £12,867.40.**

Background

By application, dated 29 December 2022, the Applicant sought an Order for Payment in respect of unpaid rent that had become lawfully due by the Respondent to the Applicant. The sum sought was £12,867.40.

The application was accompanied by copies of a Private Residential Tenancy Agreement between the Parties, commencing on 30 July 2021 at a rent of £3,600 per quarter and a Rent Statement showing arrears as at 23 August 2022 of £14,067.40, inclusive of late payment fees of £360.

The Tenancy Agreement provided for late payment fees of £24, with an additional £48 if rent was outstanding for 10 days or more after the date on which it became due.

The Applicant stated that the Respondent had failed referencing at the commencement of the tenancy and had offered to pay 3 months' rent up front. The tenancy had ended when he posted the keys back to the Applicant's letting agents on 21 September 2022. He had paid the deposit of £1,200 and, albeit late, the first quarter's rent, but the only payment received after that was £400 on 19 July 2022. The sum sought was £12,867.40, being the arrears and late payment fees, under deduction of the deposit of £1,200, which had been refunded to the Applicant.

On 28 April 2023, the Tribunal advised the Parties of the date and time of a Case Management Discussion, and the Respondent was invited to make written representations by 10 July 2023. The Respondent did not make any written representations to the Tribunal. As the present whereabouts of the Respondent are unknown, service on him was by advertisement on the Tribunal's website between 24 July 2023 and 21 August 2023.

Case Management Discussion

A Case Management Discussion was held by means of a telephone conference call on the afternoon of 21 August 2023. The Applicant was represented by Miss Paige Wilson of Stonehouse Lettings, Aberdeen. The Respondent was not present or represented.

The Applicant's representative told the Tribunal that no payment had been received since the date of the application.

Reasons for Decision

Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 provides that the Tribunal may do anything at a Case Management Discussion which it may do at a Hearing, including making a Decision. The Tribunal was satisfied that it had before it sufficient information and documentation to enable it to decide the application without a Hearing.

The Tribunal was satisfied that the sum sought had become lawfully due by the Respondent to the Applicant.

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.

George Clark

Legal Member/Chair

21 August 2023

Date