

Housing and Property Chamber
First-tier Tribunal for Scotland



**Note of a Case Management Discussion of the First-tier Tribunal for Scotland
(Housing and Property Chamber)**

Chamber Ref: FTS/HPC/CV/19/0039

Re: 107 Headland Court, South Anderson Drive, Aberdeen, AB10 7HW (“the property”)

Parties:

**City 06 LLP, Suite D1, 4/5 Golden Square, Aberdeen, AB10 1RD
 (“the applicants”)**

**Mr Rhys Robb and Miss Alison Divers, 107 Headland Court, South Anderson Drive, Aberdeen, AB10 7HW
 (“the respondents”)**

Tribunal Member:

Adrian Stalker (Legal Member)

Background

1. This is an application under rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Procedure Regulations”). The applicants are the owners of the property, 107 Headland Court, South Anderson Drive, Aberdeen, AB10 7HW. In 2016, the parties entered into a short assured tenancy agreement, in terms of which the applicants let the property to the respondents for a period of one year, from 26 February 2016 to 25 February 2017. A copy of the agreement has been produced by the applicants. The agreed rent for the property was £650 per month. Under clause 14 of the lease, the obligations of the respondents, as tenants, are joint and several.

2. The applicants claim that the respondents fell into arrears of rent. The application states that as at 7 January 2019, the arrears stood at £5,500. It also indicates that the rent for the property was reduced to £550 per month, with effect from July 2017.

3. Included in the papers lodged by the applicants is a rent account, which bears to show: that the rent was paid in full until the beginning of January 2017; thereafter, rent payments became erratic; the rent was reduced to £550 per month from 1 July 2017; over the course of two years a total figure of £5,500 rent arrears accumulated.

4. In 2018, the applicants applied to the Tribunal for an order for recovery of possession of the property, on the ground of rent arrears, under section 18 of the Housing (Scotland) Act 1988. The order was granted on 7 January 2019. Those proceedings were not defended by the respondents.

CMD

5. A case management discussion ("CMD") took place on 6 March 2019 by conference call. On behalf of the applicants, Laura Meldrum, accounts assistant and Carol Ogston, office manager, were in attendance. Neither of the respondents were in attendance. No response was lodged by either of them, in respect of the application.

6. Ms Meldrum and Ms Ogston confirmed that the rent account produced to the Tribunal was true and accurate, and that the applicants sought an order for payment of the outstanding rent indicated in the application: £5,500.

7. The Tribunal had sight of a report from Scott and Co, Sheriff Officers, confirming that service of the papers in respect of the application, including the hearing notification letter, was effected on both respondents on 13th February.

Decision

8. In the foregoing circumstances, and given the failure of the respondents to reply to the claim, or attend the CMD, the Tribunal granted an order for payment by the

respondents, jointly and severally, in favour the applicants, in the sum of £5,500.

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.

A.Stalker

Signed

Date 6 March 2019