



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 71 of Private Housing
(Tenancies) (Scotland) Act 2016**

Chamber Ref: FTS/HPC/CV/23/4052

Re: Property at 32 Cloverfield Gardens, Aberdeen, AB21 9BD (“the Property”)

Parties:

Mr Muhammad Faraz Haider , 56 Swabey Road, Langley, Slough, SL3 8NR (“the Applicant”)

**Miss Alexandria Kemp, Mr Ryan Calder (SBA), 32 Cloverfield Gardens,
Aberdeen, AB21 9BD; (“the Respondents”)**

Tribunal Members:

Jim Bauld (Legal Member) and Kingsley Bruce (Ordinary Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order should be granted for payment in the sum of Three thousand, five hundred and sixteen pounds and fifteen pence (£3,516.15).

Background

1. By application dated 15 November 2023, the applicant sought an order under section 51 of (“the Act”) and in terms of rule 111 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the procedure rules”).
2. On 5 January 2024 the application was accepted by the tribunal and referred for determination by the tribunal

3. A Case Management Discussion (CMD) was set to take place on 22 March 2024 and appropriate intimation of that hearing was given to both parties ..

The Case Management Discussion

4. The Case Management Discussion (CMD) took place on 20 March 2024 via telephone case conference. The applicant was not personally present in the telephone case conference but was represented by his letting agent, MS Rachel MacDonnell from Trinity Factoring services Limited, 209 Bruntsfield Place, Edinburgh EH10 4DH. The Respondents did not take part.
5. The tribunal explained the purpose of the CMD and the powers available to the tribunal to determine matters.
6. The tribunal asked various questions of the applicant's representative with regard to the application.
7. She confirmed that she wished the order for payment to be made.

Findings in Fact

8. The Applicant is the registered owner of the property.
9. The Applicant and the Respondent as respectively the landlord and tenant entered into a tenancy of the property which commenced on 21 May 2019. The tenancy was initially a joint tenancy involving the respondent and a Ms Samantha Stirling. The respondent became sole tenant on 20 January 2020 by way of assignation.
10. The tenancy was a private residential tenancy in terms of the Act.
11. The initial agreed monthly rental was £875. Rent was increased to £901 per month on 1 August 2023.
12. Arrears had started to accrue in January 2022 and at the date of the lodging of the application arrears amounted to £3059.63.
13. The amount of arrears at the date of the CMD was £ 3,516.15
14. Appropriate accounting had been provided in respect of the outstanding rent with the application to the tribunal.

Reasons for Decision

15. The tribunal accepted the unchallenged evidence of the applicant regarding the outstanding sums. The tribunal noted that the respondents had failed to engage with both the applicant and with the tribunal despite having ample opportunity to do so.

16. The tribunal also exercised the power within rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 and determined that a final order should be made at the CMD.

Decision

The order for payment of the sum of £3, 516.15 is granted.

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.

Jim Bauld

22/03/2024

Legal Member/Chair

Date