



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/24/2262

Re: Property at 58D Walker Road, Aberdeen, AB11 8BN (“the Property”)

Parties:

Dewberry Properties Limited, 82A James Carter Road, Milden Hall, Suffolk, IP28 7DE (“the Applicant”)

Mr Sean Thomas Rose (SBA), Ms Abigayle Rose (SBA), UNKNOWN, UNKNOWN (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member)

[1] The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) made a Payment Order in favour of the Applicant against the Respondents in the sum of £774.86.

Background

[2] The Applicant seeks a Payment Order in respect of rent arrears said to have been accrued by First Respondent under a tenancy between the parties. The Second Respondent, Ms Rose is convened as a guarantor for Mr Rose’s obligations under the tenancy.

[3] The Application is accompanied by a copy of the tenancy agreement with a rent statement.

Case Management Discussion

[4] The Application called for a Case Management Discussion (CMD) by conference call at 2pm on 25 February 2025. The Applicant was represented by Mr Winchester, Letting Agent. There was no appearance by or on behalf of the Respondents. Permission had been granted previously for intimation of the CMD to be made on the Respondents by service on the Tribunal website. This had been competently effected. As the Respondents were not present, the Tribunal decided therefor to proceed in the Respondents' absence. Having heard from Mr Winchester, the Tribunal made the following findings in fact.

Findings in fact

- I. *The Parties entered into a tenancy agreement in terms of which the Applicant let the Property to the First Respondent. The Second Respondent acted as guarantor for the First Respondent's obligations under the tenancy.*
- II. *The First Respondent vacated the Property with rent arrears in the sum of £774.86;*

Decision

[5] Having made the above findings in fact, the Tribunal granted the Application and made a Payment Order in favour of the Applicant against the Respondents jointly and severally as per the terms of the guarantee incorporated into the tenancy agreement in the sum of £774.86.

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.

Andrew McLaughlin

Legal Member/Chair

25 February 2025

Date

