

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 (“2016 Act”)

Chamber Ref: FTS/HPC/CV/24/5726

Re: 25 Gordon Avenue, Inverurie, AB51 4GQ
 (“the Property”)

Parties:

Mr Greg Young and Mrs Jodie Young, 11 Rutherford Folds, Inverurie, AB51 4JH (“the Applicants”)

Mr Sam Reid, 23 Easter Place, Portlethen, Aberdeen, AB12 4XL (“the Respondent”)

Tribunal Member:

Pamela Woodman (Legal Member)

Present:

The case management discussion took place at 2pm on Friday 18 July 2025 by teleconference call (“**the CMD**”). Mr Greg Young, one of the Applicants, was present. The Respondent was neither present nor represented. The clerk to the Tribunal was Lisa McMonagle. Pietra Costaglione was present as an observer only.

Decision (in the absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment in the sum of £1,600 be granted against the Respondent in favour of the Applicants.

BACKGROUND

1. An application had been made to the Tribunal under section 71(1) of the 2016 Act and in terms of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“**HPC Rules**”) which are set out in the schedule to The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, as amended. More specifically, the application was made in

terms of rule 111 (*Application for civil proceedings in relation to a private residential tenancy*) of the HPC Rules.

2. The order sought from the Tribunal was an order for payment of £1,600.
3. The application form was dated 13 December 2024 and copies of various documents were provided, including:
 - a. the private residential tenancy agreement between the Applicants and the Respondent dated 25 April 2024 (“**Tenancy Agreement**”).
 - b. a breakdown of the arrears of rent as at 13 December 2024, which amounted to £1,600.
4. A notice of acceptance of the application was issued dated 16 January 2025 under rule 9 of the HPC Rules.
5. By e-mail dated 17 March 2025, the Applicants intimated to the Tribunal that they had regained possession of the Property on 10 March 2025 and that the amount of the outstanding rent arrears was £2,100, the Respondent having made some payments since the application was lodged.
6. Sheriff Officers had been engaged to trace the current address of the Respondent.
7. The Respondent was sent notice of the CMD by letter dated 30 May 2025, which was confirmed (in the certificate of intimation from Walker Love, sheriff officers) as having been served on the Respondent by posting through his letterbox on 6 June 2025.
8. The Respondent had not provided written representations in advance of the CMD.
9. This decision arises out of the CMD.

PROCEEDINGS, NAMELY THE CMD

10. Mr Young confirmed that the current rent arrears were £1,675. He explained that the local council had acted as guarantor for the deposit of the Respondent and it had settled £425 of the arrears within the last week or so (and so the arrears were now £1,675 rather than £2,100).

FINDINGS IN FACT

11. The Tenancy Agreement stated that:
 - a. the start date was 28 April 2023; and
 - b. rent was payable at a rate of £450 per month, on or before the 1st of the month.
12. The Tribunal was satisfied, on the balance of probabilities, that there had been rent arrears as at 13 December 2024 (the date of the application) of £1,600.

13. Rent would have continued to be due and payable at a rate of £450 per calendar month until at least 10 March 2025. Accordingly, an additional 2 months and 10 days' rent would have become due and payable prior to the end of the tenancy (in addition to the £1,600 of rent arrears as at 13 December 2024).

REASON FOR DECISION

14. It was noted that details of the payments made by the Respondent after 13 December 2024 (the date of the application) had not been provided in writing, but it was also noted that further rent would have become due and payable under and in terms of the Tenancy Agreement.

15. The application and details of the rent arrears of £1,600 had been provided to the Tribunal and the Respondent.

16. The Respondent had not provided written submissions or otherwise engaged with the proceedings.

17. The Tribunal was satisfied, on the balance of probabilities, that the amount of £1,600 was due and payable by the Respondent to the Applicants. However, without anything in writing regarding the payments due and/or paid after 13 December 2025, the Tribunal was not willing to grant an order in a sum in excess of that for which there was written detail.

18. Therefore, the order would be for £1,600 and not £1,675.

DECISION

19. The Tribunal granted an order for payment in the sum of £1,600 (one thousand six hundred pounds sterling).

Right of Appeal

In terms of Section 46 of the Tribunals (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.

Pamela Woodman

18 July 2025

Legal Member

Date