



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 70(1) of the Private Housing (Tenancies) (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/CV/19/2165**

**Re: Property at 30 Rannas Place, Portessie, Buckie, AB56 1SQ (“the Property”)**

**Parties:**

**Mr Lee Davenport, 4 Mitchell Street, Lossiemouth, IV31 6QB (“the Applicant”)**

**Ms Theresa Townsley, 30 Rannas Place, Portessie, Buckie, AB56 1SQ (“the Respondent”)**

**Tribunal Members:**

**Ruth O'Hare (Legal Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to make an order for payment against the Respondent in the sum of Six thousand seven hundred and eleven pounds and sixty two pence (£6711.62) Sterling**

- 1 By application dated 21 May 2019 the Applicant sought an order for repossession of the property against the Respondent. The Applicant submitted the following documentation in support of the application:-
  - (i) Copy Tenancy Agreement between the Applicant and Respondent dated 19<sup>th</sup> September 2016; and
  - (ii) Rent Statement and Bank Statements
- 2 By Notice of Acceptance of Application the Legal Member with delegated powers of the Chamber President intimated that there were no grounds on which to reject the application. A Case Management Discussion was therefore assigned for 4<sup>th</sup> November 2019.

- 3 A copy of the application paperwork together with notification of the Case Management Discussion was served on the Respondent by Sheriff Officers on 2 October 2019.

### **The Case Management Discussion**

- 4 The Case Management Discussion took place on 4<sup>th</sup> November 2019. The Applicant was represented by Karen Poke from R&R Urquhart LLP. The Respondent did not attend. The Tribunal noted that she had been served with the paperwork by Sheriff Officers and therefore considered it was able to continue with the Case Management Discussion in the absence of the Respondent.
- 5 Ms Poke advised that no rent had been paid since the application was lodged and the amount outstanding as at the date was £8,791.61. The Legal Member highlighted that the sum claimed in the application was £6711.62 and she was therefore restricted to making an order in that sum in the absence of any formal amendment and notification to the Respondent of the increased amount. The Legal Member also clarified that she was unable to make an order for sums that had not yet fallen due, but that it would be open to the Applicant to submit a further application once the final balance of arrears was known.

### **Findings in Fact and Law**

- 6 The parties entered into a Short Assured Tenancy Agreement in respect of the property which commenced on 1<sup>st</sup> October 2016
- 7 In terms of Clause 2 of the said Tenancy Agreement the Respondent is due to pay rent of £500 per month.
- 8 The Respondent is liable to make payment of the sum of £6711.62 under the terms of the said Tenancy Agreement.

### **Reasons for Decision**

- 9 The Tribunal was satisfied that it was able to continue with the Case Management Discussion in the absence of the Respondent. The Tribunal was further satisfied that it was able to make a determination of the application at the Case Management Discussion and that to do so would not be prejudicial to the interests of the parties.
- 10 Having considered the terms of the tenancy agreement and rent statement produced by the Applicant, the Tribunal was satisfied that the Respondent was liable to pay the sum of £6711.62. She had not sought to dispute the

terms of the application and there was no evidence before the Tribunal to contradict the position put forward on behalf of the Applicant. The Tribunal therefore made an order for payment against the Respondent.

### **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.**

Ruth O'Hare

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Legal Member/Chair

4/11/19  
\_\_\_\_\_  
Date