



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber)**

Chamber Ref: Reference number: FTS/HPC/CV/19/3066

Order granted on 29 January 2020 in absence of the Respondent

Property: 65 Montrose Street, Brechin, DD9 7BZ ("The Property")

Parties:

George Mountcastle, residing at 13 Devon Place, Edinburgh, EH12 5HN ("the Applicant")

Graeme McIntosh, 65 Montrose Street, Brechin, DD9 7BZ ("the Respondent")

Tribunal Members:

Paul Doyle (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that an order for payment should be made.

Background

The Applicant sought an order for payment of rental arrears totalling £4,450. The Applicant had lodged with the Tribunal Form F. The documents produced were a Tenancy Agreement, a rental statement, a notice to leave dated 20 June 2019 with proof that the tenant received the notice to leave on 20 June 2019. A copy title sheet was lodged with the Tribunal which showed that the applicant is the heritable proprietor of the Property.

Case Management Discussion

A case management discussion took place before the Tribunal at 2.00pm on 29 January 2020 at Caledonia house, Dundee. The Applicant was present and was unrepresented. The respondent did not appear and was not represented. Intimation

of the time date and place of this case management discussion was given to the respondent by letter dated 27 December 2019.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent entered into a private residential Tenancy Agreement for the Property dated 27 December 2018.
2. The period of the Lease was from 28 December 2018. The initial rent in terms of the Tenancy Agreement was £500 per month.
3. The Tenancy Agreement set out the grounds on which the Landlord could seek recovery of possession of the Property. A notice to leave the property was served on the respondent by email on 20 June 2019 bringing the tenancy agreement to an end on 14 September 2019 and telling the respondent that the applicant can apply for an eviction order no sooner than 15 September 2019 because the respondent had allowed five months arrears of rental to accrue.
4. An Application was made to the Tribunal on 27 September 2019. The Applicant sought an order for payment of arrears of rental. At the date of application there were arrears of rental totalling £2050. At today's date the arrears of rental total £4,550.
5. The respondent has only made six payments of monthly rent since taking entry in December 2018. He did not pay rental between January 2019 and May 2019. He has not paid any rent since July 2019. At the date of application there were rent arrears of £2050. At today's date there are arrears of rental totaling £4,550.
6. Notice of the date of this hearing was served on the Respondent on 27 December 2019. The respondent does not resist this application.

Reasons for the Decision

The Tribunal determined to make an Order for payment £4,550.00. Rent was lawfully due in terms of clause 8 of the Tenancy Agreement at the rate of £500 per month. The respondent has persistently failed to pay the monthly rental and has not made any payments of rent since July 2019. At today's date there are arrears of rent totalling £4,550.00

Decision

For the foregoing reasons, the Tribunal determined to make an Order for payment.

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.

Paul Doyle

Legal Member



Date 29 January 2020