



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

Chamber Ref: FTS/HPC/CV/18/0344

Re: Property at The Sheiling, Carlungie, Carnoustie, DD7 7SD (“the Property”)

Parties:

Mr John William Hay, Carlungie, by Carnoustie, Angus (“the Applicant”)

Mr Andrew Scott, The Sheiling, Carlungie, Carnoustie, DD7 7SD (“the Respondent”)

Tribunal Members:

Virgil Crawford (Legal Member)

Decision in absence of the Respondent

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that

BACKGROUND

1. The Applicant presented an application to the Tribunal seeking an order for payment of arrears of rent in the sum of £2,160.00.
2. The application proceeded on the basis of a lease entered in to between the parties and dated 29th and 30th August 2001. The rent initially provided for in the lease was in the amount of £45 per week. The current rent is in the amount of £90 per week.
3. Following an application for payment being made to the Tribunal, a Case Management Discussion was assigned to take place on 4th May 2018 at 10am (“The hearing”).

THE HEARING/CASE MANAGEMENT DISCUSSION

4. Neither party attended the hearing. The application and details of the hearing had been intimated to the Respondent by sheriff officers on 11 April 2018. A sheriff officers certificate of intimation was produced to the Tribunal.
5. The Solicitors for the Applicant were aware of the hearing. They, however, were unable to attend but made contact with the Tribunal advising that they were content that the hearing proceed in their absence on the basis of the information currently before the Tribunal.

6. The Tribunal had been advised on 18 April 2018 that the Respondent had vacated the property and his present whereabouts were unknown. The Tribunal, however, was satisfied that service had been legally effected upon the Respondent having regard to the terms of section 26 of the Interpretation and Legislative Reform (Scotland) Act 2010. In particular, s26(4)(c) provides for service at the last known address of a party.
7. The Tribunal, being satisfied in terms of Rule 29 of The First Tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 had been met, determined that it was appropriate to proceed with the hearing in the absence of the parties.

FINDINGS IN FACT

8. The Tribunal made the following findings in fact:-
 - a) That the Applicant was the Landlord of the property and the Respondent was the tenant.
 - b) In terms of a lease entered in to dated 29th and 30th August 2001 the Respondent was required to make payment of rent to the Applicant.
 - c) The amount of rent due was £90 per week – to be paid on a fortnightly basis – as at the date of the application to the Tribunal (8th February 2018)
 - d) As at the date of the Application to the Tribunal the Respondent was in arrears of rent in the amount of £2,160.00

REASONS FOR DECISION

9. Rent lawfully due by the Respondent to the Applicant had not been paid. Accordingly, the Applicant is entitled to an order for payment.

DECISION

An order is granted for payment of the amount of TWO THOUSAND ONE HUNDRED AND SIXTY POUNDS STERLING by the Respondent to the Applicant.

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.

V Crawford

4th May 2018

Virgil M. Crawford, Legal Member/Chair

Date