



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 16 of the Housing (Scotland)
Act 2014**

Chamber Ref: FTS/HPC/CV/19/3795

Re: Property at 4 Hill Place House, Inverness, IV2 3AD (“the Property”)

Parties:

**Plainstones Limited, Plainstones Limited, Quay Cottage, Findhorn, Forress,
IV36 3YE (“the Applicant”)**

**Mr Colin George Home, Ms Kholoud Home, UNKNOWN, UNKNOWN (“the
Respondents”)**

Tribunal Members:

Helen Forbes (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 granted in favour of
the Applicant in the sum of £5700.**

Background

1. This is an application dated 26th November 2019 made in terms of Rule 111 of The Housing and Property Chamber (Procedure) Regulations 2017 as amended (“the Rules”). The Applicant is seeking an order for payment in respect of unpaid rent in the sum of £5700. The parties entered into a Private Residential Tenancy Agreement in respect of the Property which commenced on 1st July 2018. The rent was £950 per month. The tenancy ended in or around November 2019. The Applicant included a copy of the tenancy agreement and a schedule of rent arrears with the application.
2. The case was set down for a Case Management Discussion (“CMD”) on 20th March 2020.

3. By Order dated 19th March 2020, the CMD set down for 20th March 2020 was postponed to 28th May 2020, as part of the measures to manage the COVID-19 outbreak.
4. By Order dated 19th May 2020, the CMD set down for 28th May 2020 was postponed to 9th July 2020, as part of the measures to manage the COVID-19 outbreak.
5. By Order dated 11th June 2020, the CMD set down for 9th July 2020 was postponed to 24th July 2020, as part of the measures to manage the COVID-19 outbreak.
6. Service upon the Respondents was made by advertisement on the website of the First-tier Tribunal for Scotland Housing and Property Chamber from 11th June until 23 July 2020.

Case Management Discussion

7. A CMD took place by telephone conference on 24th July 2020. The Applicant was represented by Mr Alexander Hunt and Mrs Christine Hunt, directors and owners of Plainstones Limited. The Respondents were not in attendance.
8. The Tribunal considered the terms of Rule 29 of the Rules. The Tribunal determined that service upon the Respondents had been carried out by advertisement on the website of the First-tier Tribunal for Scotland Housing and Property Chamber from 11th June until 23 July 2020. The Tribunal determined that the requirements of Rule 24(1) had been satisfied and that it was appropriate to proceed with the application in the absence of the Respondents upon the representations of the Applicant's representatives and the material before the Tribunal.
9. Mrs Hunt moved the Tribunal to grant the order sought for arrears covering the period from June to November 2019, in the sum of £5700.

Findings in Fact

10.
 - (i) The parties entered into a Private Residential Tenancy Agreement in respect of the Property commencing on 1st July 2018.
 - (ii) The rent for the Property was £950 per month.
 - (iii) The Respondents failed to make payment of rent lawfully due in the sum of £5700.
 - (iv) The Applicants are entitled to recover rent lawfully due in terms of the tenancy agreement between the parties.

Reasons for Decision

11. The Respondents have failed to make payment of rent lawfully due in terms of the tenancy agreement between the parties. The Applicant is entitled to recover the rent lawfully due.

Decision

12. An order for payment is granted in favour of the Applicant in the sum of £5700.

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.

Helen Forbes

Legal Member/Chair

24th July 2020
Date