



**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**

**Chamber Ref: FTS/HPC/CV/20/2494**

**Re: Property at 82 Watermill Road, Fraserburgh, AB43 9RJ (“the Property”)**

**Parties:**

**Craighaugh Limited, 24 Pitsligo Street, Rosehearty, Fraserburgh, AB43 7JL (“the Applicant”)**

**Mr Hugh McCaskie, 82 Watermill Road, Fraserburgh, AB43 9RJ (“the Respondent”)**

**Tribunal Members:**

**Ms H 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 £2058.**

**Background**

1. This is an application dated 1<sup>st</sup> December 2020, made in terms of Rule 111 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 as amended (“the Rules”). The Applicant is seeking an order for payment in respect of rent arrears pertaining to the Property, which was the subject of a tenancy agreement between the parties. The Applicant lodged a copy of the tenancy agreement that commenced on 1<sup>st</sup> April 2018 at a rent of £600 per month, together with a rent statement. The tenancy ended on 14<sup>th</sup> January 2019.
2. Notification of a Case Management Discussion (“CMD”) to take place at 2pm on 5<sup>th</sup> March 2021 was served upon the Respondent by Sheriff Officers on 3<sup>rd</sup> February 2021.

## **Case Management Discussion**

3. A CMD took place by telephone conference on 5<sup>th</sup> March 2021. Mr Duncan was in attendance on behalf of the Applicant and was represented by Mr Gibb, Solicitor. The Respondent was not in attendance.
4. The Tribunal determined that the Respondent had been given reasonable notice of the time and date of the CMD, together with details on joining the telephone conference. The Tribunal determined that the requirements of Rule 17(2) had been satisfied and that it was appropriate to proceed with the application in the absence of the Respondent upon the representations of the Applicant and the material before the Tribunal.
5. Mr Gibb said that the Applicant had tried to resolve this matter to no avail. The arrears have been outstanding for over two years. No payment has been made and the Applicant was seeking an order for payment in the sum of £2058.

## **Findings in Fact**

6.
  - i. Parties entered into a private residential tenancy agreement in respect of the Property that commenced on 1<sup>st</sup> April 2018 at a rent of £600 per month.
  - ii. The tenancy ended on 14<sup>th</sup> January 2019.
  - iii. Rent lawfully due in terms of the tenancy was not paid by the Respondent.
  - iv. The Applicant is entitled to recover rent lawfully due.

## **Reasons for Decision**

7. The Respondent has failed to make payment of rent lawfully due. The Applicant is entitled to recover rent lawfully due in terms of the tenancy agreement between the parties.

## **Decision**

8. An order for payment is granted in favour of the Applicant in the sum of £2058.

## **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**

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Legal Member

5<sup>th</sup> March 2021  
Date