

**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/21/2346

Re: Property at 1B Arranview Court, Ayr, KA8 9BB (“the Property”)

Parties:

Kyle Estates Ltd, Dalblair House, 46 Dalblair Road, Ayr, KA7 1UQ (“the Applicant”)

Mr Christopher Thomas Mccreadie, 1B Arranview Court, Ayr, KA8 0EA (“the Respondent”)

Tribunal Members:

Gillian Buchanan (Legal Member)

A Case Management Discussion (“CMD”) took place by telephone conference on 13 January 2022. At the CMD the Applicant was represented by Mr Steven Nicolson of Harper Macleod LLP, Solicitors, Glasgow. The Respondent was neither present nor represented.

The tribunal was satisfied that the requirements of Rule 24(1) of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”) had been satisfied relative to the Respondent having received notice of the CMD and determined to proceed in the absence of the Respondent in terms of Rule 29.

Decision (in absence of the Respondent)

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

- The Applicant is the heritable proprietor and landlord of the Property.
- The Respondent is the tenant of the Property in terms of a Tenancy Agreement signed on 14 October 2016 (“the Tenancy Agreement”).
- The start date of the tenancy is stated in the Tenancy Agreement to be 14 October 2016.
- The Tenancy Agreement is a Short Assured Tenancy Agreement.

- In terms of the Tenancy Agreement the rent payable by the Respondent to the Applicant is agreed to be £425 per calendar month payable in advance on the fourteenth day of each month.
- As at the date of the Application to the Tribunal the rent arrears accrued were stated to be £1,561.96.

Submissions for the Applicant:-

- At the CMD Mr Nicolson stated that the Respondent remains in occupation of the Property.
- Mr Nicolson was unaware of the current arrears balance.
- Mr Nicolson stated that for a prolonged period the rent paid by the Respondent had been short each month hence the arrears figure which has accrued.
- On behalf of the Applicant Mr Nicolson sought an order for payment against the Respondent in the sum of £1,561.96.

Reasons for Decision

- The Tenancy Agreement exists between the parties.
- The Respondent is in arrears of rent.
- As at the date of the Application to the Tribunal the arrears of rent stood at £1,561.96.
- The Respondent has had due intimation of this application in terms of the Rules.
- In the circumstances, the Applicant is entitled to an order for payment of rent arrears of £1,561.96.

Decision

The Respondent is ordered to pay to the Applicant rent arrears of £1,561.96.

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.

G. Buchanan

Legal Member/Chair

13 January 2022
Date