



**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/21/3167

**Re: Property at Flat 3, Millburn House, Ashgill, Larkhall, ML9 3BH (“the
Property”)**

Parties:

**D & B Farming Partnership, Willow Tree House, Seaford Lane, Naunton
Beauchamp, Worcestershire, WR10 2LL (“the Applicant”)**

**Mr Christopher Skilling, Mr David Skilling McDonald, 29 Logandale Avenue,
Newmains, Wishaw, ML2 9DZ (“the Respondents”)**

Tribunal Members:

Alastair Houston (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 of EIGHT THOUSAND ONE
HUNDRED AND EIGHT FIVE POUNDS (£8185.00) STERLING be made in favour
of the Applicant.**

1. Background

- 1.1 This is an application made under Rule 111 of the Chamber Rules. The Applicant was seeking payment of £8185.00 comprised of unpaid rental due under the Private Residential Tenancy agreement between the parties.
- 1.2 The application was accompanied by copies of the written tenancy agreement, a rent increase notice and a rent statement.

2. The Case Management Discussion

2.1 The Case Management Discussion took place on 22 April 2022 by teleconference. The Applicant was represented by Mr Stephen Nicolson, solicitor. The Respondents were neither present nor represented.

2.2 The Tribunal noted that service of the application together with notice of the Case Management Discussion had been effected on the Respondents on 4 March 2022. Accordingly, the Tribunal considered it appropriate to proceed in the Respondents' absence as permitted by rule 29 of the Chamber Rules.

2.3 Mr Nicolson confirmed that the application was insisted upon. The Respondents had abandoned the property in July 2020. They had failed to pay the rent due from June 2019. After taking advice, the Applicant considered that valid notice had been given to terminate the tenancy agreement as of 27 July 2020. Accordingly, only the pro-rata payment due for the portion of the month of July 2020 that the Respondents were in legal occupation of the property was sought, giving a total sum of £8185.00.

3. Reasons For Decision

3.1 The written tenancy agreement between the parties obliged the Respondents to make payment of the monthly rental charge. The said charge was initially £620.00 per calendar month, having been increased to £630.00 per calendar month by virtue of the appropriate rent increase notice as of July 2019.

3.2 In the absence of any representations by the Respondents, the Tribunal accepted that they had failed to make payment of the rent due under the tenancy agreement. The Tribunal therefore granted the order sought by 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.



Legal Member/Chair

22 April 2022

Date