

**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/CV/22/4450**

**Re: Property at 40 Annfield Gardens, Stirling, FK8 2BJ (“the Property”)**

**Parties:**

**Mr Stuart Ferguson, C/O Russel and Aitken (Falkirk and Alloa) Ltd, Unit 5 The Courtyard, Callendar Business Park, Falkirk, FK1 1XR (“the Applicant”)**

**Mr Reice Dawson, 40 Annfield Gardens, Stirling, FK8 2BJ (“the Respondent”)**

**Tribunal Members:**

**Nairn Young (Legal Member) and Elizabeth Currie (Ordinary Member)**

**Decision (in absence of the Respondent)**

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

- Background
1. This is an application for an order for payment of rent arrears alleged to be owed by the Respondent, in terms of his private residential tenancy agreement with the Applicant concerning the Property. It called for a case management discussion (‘CMD’) at 2pm on 12 May 2023, by teleconference. The Applicant was represented on the call by Mr Bonnar of Russel + Aitken (Falkirk + Alloa) Ltd, solicitors. The Respondent was not on the call in person and was not represented.
  2. The Respondent was served a copy of the application and notification of the time of the CMD by sheriff officers on 6 April 2023. The Tribunal was satisfied

that he was aware of the CMD and had chosen not to attend: and that it was therefore fair to proceed in his absence.

- Findings in Fact

The application is undefended, but the Tribunal considered the following to be the relevant facts as set out in the application:

3. The Respondent rents the Property from the Applicant in terms of a private residential tenancy agreement with a start date of 24 June 2022.
4. In terms of that agreement, rent of £825 is due on the 24<sup>th</sup> day of each month.
5. The Respondent paid no rent on 24 July 2022 and has not paid any rent since that date.
6. In consequence, the Applicant owes £8,250 in arrears of rent.

- Reasons for Decision

7. The Applicant applied in advance of the CMD to amend the sum sought to £8,250. There was no objection on the part of the Respondent to that. The Tribunal allowed the amendment and, on the basis that that amount was outstanding, granted an order for payment of that sum.

- Decision

Order made for payment by the Respondent to the Applicant of the sum of EIGHT THOUSAND, TWO HUNDRED AND FIFTY POUNDS STERLING (£8,250).

## **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.**

**Nairn Young**

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**Legal Member/Chair**

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**Date: 12/05/2023**