



**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/20/2006

**Re: Property at 1 Beechmar Grange, South Auchinclech, Westhill, Skene, AB32
6YS (“the Property”)**

Parties:

**Mr Charles Marshall, Mr Kenneth Marshall, Hillcrest, Chapel Works,
Bucksburn, AB21 9TL; Concraig House, Mains of Concraig, Kingswells,
Aberdeen, AB15 8RL (“the Applicant”)**

Mr Francis Marrufo, UNKNOWN, UNKNOWN (“the Respondent”)

Tribunal Members:

Ms 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 £5,400.**

Background

1. This is an application dated 2nd September 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’s representative lodged a copy of a private residential tenancy agreement in respect of the Property which commenced on 1st September 2019, and a rent statement showing an outstanding balance of £5,400.
2. The Respondent’s address was unknown and service upon the Respondent by advertisement was carried out on the Housing and Property Chamber website in terms of Rule 6A from 22nd February to 26th March 2021.

Case Management Discussion

3. A CMD took place by telephone conference on 26th March 2021. The Applicant was not in attendance and was represented by Ms Christine Marshall. Commencement of the CMD was delayed to allow the Respondent to attend. The Respondent was not in attendance.
4. The Tribunal considered the terms of Rule 29 of the Rules. The Tribunal determined that the Respondent had been given reasonable notice of the time and date of the CMD and that the requirements of Rule 17(2) had been satisfied and it was appropriate to proceed with the application in the absence of the Respondent.
5. Ms Marshall said that arrears accumulated from January 2020. The tenancy ended when the Respondent was evicted on 27th October 2020. The outstanding sum due was £5,400.

Findings in Fact

6.
 - i. Parties entered into a private residential tenancy agreement in respect of the Property that commenced on 1st September 2019 with an agreed rent of £600 per month.
 - ii. Rent lawfully due in terms of the tenancy was not paid by the Respondent.
 - iii. 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 £5,400.

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.

H Forbes

Legal Member/Chair

26th March 2021

Date