



**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/22/3681**

**Re: Property at 3 Gilchorn Farm Cottages, Arbroath, Angus, DD11 4UP (“the Property”)**

**Parties:**

**Mr Guy Stirling, Gilchorn Farmhouse, Arbroath, Angus, DD11 4UP (“the Applicant”)**

**Mr Eoghann Thomson, 3 Gilchorn Farm Cottages, Arbroath, Angus, DD11 4UP (“the Respondent”)**

**Tribunal Members:**

**Alastair Houston (Legal Member) and Gordon Laurie (Ordinary 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 £2975.00 be made in favour of the Applicant.**

**1. Background**

1.1 This is an application under Rule 111 of the Chamber Rules whereby the Applicant seeks an order for payment of unpaid rent. The application was accompanied by, amongst other things, a written statement of the rent account.

1.2 An up to date statement of the rent account had been lodged by the Applicant in advance of the Case Management Discussion. This had been intimated to the Respondent.

**2. The Case Management Discussion**

2.1 The Case Management Discussion took place on 3 March 2023 by teleconference. The Applicant was represented by Ms Teresa Hamlet. The Respondent was neither present nor represented.

2.2 Ms Hamlet confirmed that the application was insisted upon. The Tribunal noted that intimation of the Case Management Discussion had been made to the Respondent by Sheriff Officers. Accordingly, the Tribunal considered it appropriate to proceed in the Respondent's absence as permitted by Rule 29 of the Chamber Rules.

2.3 Ms Hamlet advised the Tribunal that the rent outstanding, as of 1 March 2023, was £2975.00. The monthly rent due was £425.00. The current arrears represented the sum now sought, an increase of that originally specified in the application.

### **3. Reasons For Decision**

3.1 The tenancy agreement between the parties required the Respondent to make payment of rent of £425.00 per month. Notice had been given to the Respondent of the arrears as at 1 March 2023, if payment was not made. Accordingly, the Tribunal considered it appropriate to allow the Applicant to seek payment of the increased sum. In the absence of any submissions by the Respondent as to why that sum would not be due, the Tribunal made the order for payment sought.

### **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.**

**Alastair Houston**

**14 March 2023**

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**Legal Member/Chair**

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**Date**