



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

**Chamber Ref: FTS/HPC/CV/23/2269**

**Re: Property at 4 Finbracken, Sandbank, Dunoon, PA23 8PH (“the Property”)**

**Parties:**

**Mr Nick (or Nicholas) Hirst, Chvateruby 118, Kralupy nad Vltvou, 278 01, Czech Republic (“the Applicant”)**

**Mr Daniel Lynch, 4 Finbracken, Sandbank, Dunoon, PA23 8PH (“the Respondent”)**

**Tribunal Members:**

**James Bauld (Legal Member) and Elizabeth Dickson (Ordinary Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order should be granted for payment in the sum of Four thousand, six hundred pounds (£4,600.00) with Interest thereon at the rate of eight per centum per annum (8 %) running from the date of the decision of the First-tier Tribunal to grant this order, being 15 December 2023 until payment.**

**Background**

1. By application dated 6 July 2023 the applicant sought an order under section 71 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the Act”) and in terms of rule 111 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.
2. On 26 September 2023 the application was accepted by the tribunal and referred for determination by the tribunal.

3. A Case Management Discussion (CMD) was set to take place on 15 December 2023 and appropriate intimation of that hearing was given to both parties ..

### **The Case Management Discussion**

4. The Case Management Discussion (CMD) took place on 15 December 2023 via telephone case conference. The applicant was not personally present in the telephone case conference but was represented by his solicitor, Ms Molly Sommerville from Clarity Simplicity Limited, Solicitors, Glasgow. The Respondent did not take part.
5. The tribunal explained the purpose of the CMD and the powers available to the tribunal to determine matters.
6. The tribunal asked various questions of the applicant's solicitor with regard to the application.
7. She confirmed that she wished the order for payment to be made.

### **Findings in Fact**

8. The Applicant is the registered owner of the property.
9. The Applicant and the Respondent as respectively the landlord and tenant entered into a tenancy of the property which commenced on 21 May 2019. The tenancy was initially a joint tenancy involving the respondent and a Ms Samantha Stirling. The respondent became sole tenant on 20 January 2020 by way of assignation.
10. The tenancy was a private residential tenancy in terms of the Act.
11. The agreed monthly rental was £350.
12. Arrears had started to accrue in February 2022 and at the date of the lodging of the application arrears amounted to £4,600.
13. The amount of arrears at the date of the CMD was £6,350.
14. Appropriate accounting had been provided in respect of the outstanding rent with the application to the tribunal.

## **Reasons for Decision**

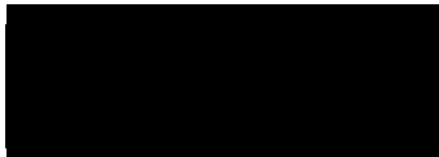
15. The tribunal accepted the unchallenged evidence of the applicant regarding the outstanding sums. The tribunal noted that the respondent had failed to engage with both the applicant and with the tribunal despite having ample opportunity to do so.
16. The tribunal also exercised the power within rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 and determined that a final order should be made at the CMD.

## **Decision**

The order for payment of the sum of £4,600.00 with interest at 8% per annum is granted.

## **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.**



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**Legal Member/Chair**

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**Date** 15 December 2023