



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”)**

**Chamber Ref: FTS/HPC/CV/19/0627**

**Re: Property at Flat 24, 5 Canal Walk, Edinburgh, EH3 9RA (“the Property”)**

**Parties:**

**Arringford Limited, Maizelands Limited 03292060, 20 Churchill Place, London, E14 5HJ (“the Applicant”)**

**Mr Kevin Sutherland,  
Respondent”)**

**(“the**

**Tribunal Members:**

**Fiona Watson (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order is granted against the Respondent for payment of the undernoted sum to the Applicant:**

**Sum of THIRTEEN THOUSAND, ONE HUNDRED AND TWO POUNDS AND FORTY-SEVEN PENCE (£13,102.47) STERLING**

**With Interest thereon at the rate of 8 per cent per annum running from the date of the decision of the First-tier Tribunal to grant this order, being 3 May 2019, until payment.**

- Background

An application was made to the Tribunal under Rule 111 of the Rules, seeking a payment order against the Respondent in the sum of £13,102.47. Said sum was due

in respect of rent arrears accrued under the terms of a Private Residential Tenancy Agreement between the parties. Said application was dated 22 February 2019.

- The Case Management Discussion

The Case Management Discussion (“CMD”) took place on 3 May 2019. The Applicant was represented by Kirstie Donnelly of Bannatyne Kirkwood France & Co. A representative from the Applicant’s managing agent was also present. There was no appearance by or on behalf of the Respondent. The Tribunal was satisfied that the application had been intimated on the Respondent by way of Sheriff Officer service at the Property on 15 April 2019 and he had received satisfactory notice of the date and time of the CMD. The Tribunal was therefore satisfied that the CMD could proceed in the Respondent’s absence.

Ms Donnelly sought the order for payment to be granted in terms of the application. An updated rent statement was lodged in advance of the CMD which showed a total balance due of £17,677.47. Ms Donnelly acknowledged that there had not been sufficient intimation in terms of Rule 13 of the Rules to allow the Applicant to increase the sum sought, and therefore she did not move for an order to be granted in the higher amount.

- Findings in Fact

The Tribunal made the following findings in fact:

1. The parties entered into a Private Residential Tenancy Agreement which commenced on 13 December 2017.
2. In terms of clause 8 of the said tenancy agreement, the Respondent agreed to make payments of rent to the Applicant in the sum of £1525 per calendar month
3. At the date of the CMD, rent was due by the Respondent to the Applicant in the amount of £17,677.47

- Reasons for Decision

The Tribunal was satisfied that the Respondent had failed to make payment of rent lawfully due to the Applicant in terms of Clause 8 of the said tenancy agreement. Accordingly, the Applicant was entitled to payment of the sum sought, namely £13,102.47

- Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order is granted against the Respondent for payment of the undernoted sum to the Applicant:

Sum of THIRTEEN THOUSAND, ONE HUNDRED AND TWO POUNDS AND FORTY-SEVEN PENCE (£13,102.47) STERLING

With Interest thereon at the rate of 8 per cent per annum running from the date of the decision of the First-tier Tribunal to grant the order, being 3 May 2019, until payment.

### 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

3/5/19  
\_\_\_\_\_  
Date