



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) Section 16 of the Housing (Scotland) Act
2014**

Chamber Ref: FTS/HPC/CV/23/3331

Re: Property at Mill Cottage, North Bandirran, Perth, PH2 6JE (“the Property”)

Parties:

**Culfargie Estates Ltd, Estate Office, Tarrylaw Farm, Balbeggie, Perth, PH2 6HL
 (“the Applicant”)**

**Ms Valerie Cannon, Mr Frank Smith, Mill Cottage, North Bandirran, Perth, PH2
6JE (“the Respondents”)**

Tribunal Members:

Fiona Watson (Legal Member) and Elaine Munroe (Ordinary Member)

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

**Sum of TWO THOUSAND FOUR HUNDRED AND SIXTY-ONE POUNDS (£2,461)
STERLING**

- Background
 1. An application was submitted to the Tribunal under Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”), seeking a payment order against the Respondent in relation to rent arrears accrued under a short assured tenancy agreement.
- The Case Management Discussion
 2. A Case Management Discussion (“CMD”) took place on 12 February 2023 by conference call. The Applicant was represented by Ms McNicol of McNabs

solicitors. There was no appearance by or on behalf of either of the Respondents. The application had been intimated on each of the Respondents by Sheriff Officer on 20 December 2023. The Tribunal was accordingly satisfied that the Respondents had been duly notified of the date and time of the CMD and that the CMD could proceed in the Respondents' absence.

3. A separate application by the Applicant seeking a repossession order against the Respondent under Rule 66 of the Rules and under case reference FTS/HPC/EV/23/3334 was heard at the same time.
4. The Applicant moved for the order for payment to be granted in the sum of £2,461. The parties had entered into a Short Assured Tenancy Agreement. The Respondents had failed to make payment of rent and had fallen into arrears amounting to £2,461. The arrears had commenced in April 2020 and there had been a continuous arrear to date. At the time of the application being made, the arrears stood at £1,631. A subsequent application under Rule 14A of the Rules had been submitted to increase the sum sought to £2,461 and an updated rent statement had been lodged. It was believed that Mr Smith may no longer be resident in the Property albeit no formal termination of tenancy had been received. Ms Cannon continued to reside in the Property with her dogs. Her employment status was not known, but she had carried out some occasional cleaning for the Applicant to offset against her arrears. There were no known dependants in the household. Ms Cannon's age was not known.

- Findings in Fact

5. The Tribunal made the following findings in fact:

- (a) The parties entered into a Short Assured Tenancy Agreement ("the Agreement") which commenced 1 December 2008;
- (b) In terms of Clause 3 of the Agreement, the Respondents were obliged to pay a monthly rent of £475 to the Applicant;
- (c) The Respondents had failed to make payment of rent as fell lawfully due, and had accrued arrears amounting to £2,461.

- Reasons for Decision

6. The Tribunal was satisfied that the Applicant was entitled to the sum as sought. The Respondents were obliged to make payment of rent in the sum of £475 per month under Clause 3 of the Agreement and had failed to do so. They had accrued arrears amounting to £2,461 and which fell lawfully due to be repaid to the Applicant.

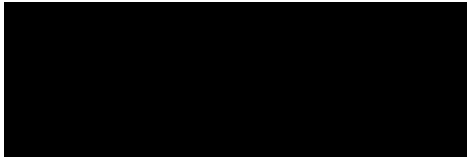
- Decision

7. The First-tier Tribunal for Scotland (Housing and Property Chamber) granted an order against the Respondent(s) for payment of the undernoted sum to the Applicant(s):

Sum of TWO THOUSAND FOUR HUNDRED AND SIXTY-ONE POUNDS
(£2,461) STERLING

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

12 February 2024

Date