



**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/19/0828

**Re: Property at Corran, Ormsary, Lochgilphead, Argyll, PA31 8NZ (“the
Property”)**

Parties:

**Mr John Lithgow, Ormsary Estate Office, Ormsary, Lochgilphead, Argyll, PA31
8PE (“the Applicant”)**

**Miss Ami Harris, Mr Philip Carruthers, Corran, Ormsary, Lochgilphead, Argyll,
PA31 8NZ; 1a Burns Brae, Lochgilphead, PA31 8UZ (“the Respondent”)**

Tribunal Member:

Colin Dunipace (Legal Member)

Decision (in absence of the Respondents)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that an Order should be made in favour of the
Applicant against the Respondents in the sum of Two Thousand Seven
Hundred and Sixty Eight Pounds and Twenty Pence (£2,768.20).**

Background

- **This matter related to an Application on the part of the Applicant to
recover outstanding arrears of rent due in respect of the Short Assured
Tenancy in terms of Section 32 of the Housing (Scotland) Act 1988
entered into between the parties on 1 July 2017 in relation to the
property at Corran, Ormsary, Lochgilphead, Argyll, PA31 8NZ. In support
of the Application were lodged a copy of the Tenancy Agreement, and
details of the rental payments which had been made since 1 November
2018. At the Case Management Discussion the Applicant’s
representative lodged a further rent statement outlining the current
position in relation to rent.**

The Case Management Discussion

- **The Application called as a Case Management Discussion in Lochgilphead CE Centre, Manse Brae, Lochgilphead, PA31 8XQ at 10:00 on 25 June 2019. The Applicant was not present at this Discussion but was represented by Mrs Barbara Cutler of Ormsary Estate Office. Also present as an observer was Ms McIlhenny. Neither Respondent was present nor represented at this Discussion. Having considered the question of intimation of the Case Management Discussion, I noted that service had been effected upon both Respondents on 23 May 2019, and accordingly determined that the Discussion could proceed in their absence.**
- **At this Discussion the Applicant's representative advised that an Order was being sought in the sum of £2768.20 in respect of the up to date rent arrears due in terms of the lease. In this connection, regard was had to the terms of the rent statement dated 11 June 2019. I noted that neither of the Respondents appeared to dispute that this sum was due, and accordingly I determined that an Order be made in the amount as sought.**
- **It was observed the Respondent Philip Carruthers had submitted an Application for a Time to Pay Direction on 8 June 2019, requesting that payment be allowed at the rate of £200 per month. No response had been received from The Respondent Ami Harris, although it was noted that this Respondent had been making payments of approximately £240 per month towards the outstanding arrears. On behalf of the Applicant Ms Cutler indicated that they were content with the proposal for time to pay.**

Findings in Fact

- **The parties had entered into a Short Assured Tenancy in respect of the property at Corran, Ormsary, Lochgilphead, PA31 8XQ on 1 July 2017. In terms of this tenancy the Respondents were due to make payment of rent in the sum of £800 per month.**
- **As at the date of the Case Management Discussion the amount due in respect of the arrears was £2768.20.**

Decision

- **Having regard to the foregoing factual position I decided to grant the Order against both Respondents as sought in the sum of £2768.20. Having regard also to the unopposed application for a Time to Pay Direction, I granted this also in the sum of £200 per month.**

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.

Mr Colin Dunipace

Legal Member

25/6/19

Date