



**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/20/0923

Re: Property at Fyne View, Otter Ferry, Argyll, PA21 2DH (“the Property”)

Parties:

Baroness Miranda Van Lynden, Otter Ferry, Argyll, PA21 2DH (“the Applicant”)

**Mr Andrew Smith, Fyne View, Otter Ferry, Argyll, PA21 2DH (“the
Respondent”)**

Tribunal Members:

Graham Harding (Legal Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that the Applicant was entitled to an order for payment by
the Respondent in the sum of £6050.00.**

Background

1. By application dated 12 March 2020 the Applicant’s representatives, Gillespie MacAndrew, Solicitors, Edinburgh, applied to the Tribunal for an order for payment in respect of alleged rent arrears arising from the Respondent’s tenancy of the property. The Applicant’s representatives submitted a copy of the lease and a rent statement in support of the application.
2. By Notice of Acceptance dated 29 June 2020 a legal member of the Tribunal with delegated powers accepted the application and a Case Management Discussion was assigned.
3. Intimation of the Case Management discussion was sent to the Applicant’s representatives by post on 31 July 2020 and was served on the Respondent by Sheriff Officers on 4 August 2020.

The Case Management Discussion

4. A Case Management Discussion was held by teleconference on 21 August 2020. The Applicant did not attend but was represented by Mr McConnell from the Applicant's representatives. The Respondent did not attend and was not represented. The Tribunal being satisfied that intimation having been given to the Respondent determined to proceed in his absence in accordance with Rule 29 of the First-tier Tribunal Housing and Property (Procedure) Regulations 2017 ("the 2017 Rules").
5. Mr McConnell advised the Tribunal that the parties entered into a Short Assured Tenancy Agreement that commenced on 1 April 2010 that endured until 31 March 2011 and from month to month thereafter. He said the Applicant was obliged to pay rent of £550.00 per month.
6. Mr McConnell referred the Tribunal to the rent statement submitted with the application. He explained that no rent had been paid by the Respondent since April 2019. He said that at the date of the application the rent due amounted to £6050.00. although no further rent had been paid since the date of the application his instructions were to seek an order for payment for the amount due as at that date namely £6050.00.

Findings in Fact

7. The Respondent was obliged in terms of a Short Assured Tenancy Agreement to pay rent of £550.00 per calendar month.
8. Between April 2019 and March 2020, the Respondent accrued rent due in the sum of £6050.00.
9. The Respondent has subsequently failed to make any payment towards the rent due.

Reasons for Decision

10. The Tribunal was satisfied from the documents submitted and the oral submissions that the Respondent was obliged to pay rent in terms of his tenancy agreement at the rate of £550.00 per month. The Tribunal was further satisfied that as at the date of the application to the Tribunal the sum due by the Respondent to the Applicant amounted to £6050.00 and that no payment had been made by the Respondent to reduce that amount. The Tribunal was therefore satisfied that the Applicant was entitled to an order for payment in the sum claimed.

Decision

11. The Tribunal having carefully considered the documents submitted on behalf of the Applicant together with the oral submissions and being satisfied that it had sufficient information before it to make a decision without a further hearing finds

the Applicant entitled to an order for payment by the Respondent in the sum of £6050.00.

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.

G Harding

Legal Member/Chair

21 August 2020
Date