



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber) under Section 14 of the Housing (Scotland)  
Act 2016**

**Chamber Ref: FTS/HPC/CV/19/1396**

**Re: Property at East Mid Lamberkin Farmhouse, East Mid Lamberkin Farm, By  
Perth, PH2 0PN (“the Property”)**

**Parties:**

**John Dewar Lamberkin Trust, Dupplin Estate Office, Dupplin Estate, Perth,  
PH2 0PY (“the Applicant”)**

**Mr Grant Stainer, East Mid Lamberkin Farmhouse, East Mid Lamberkin Farm,  
By Perth, PH2 0PN (“the Respondent”)**

**Tribunal Members:**

**Helen Forbes (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
Tribunal”) determined that an order for payment should be granted against the  
Respondent in favour of the Applicant in the sum of £2,985.21.**

**Background**

This is an application in terms of Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”) for an order for payment in respect of rent arrears. The application was dated 8<sup>th</sup> May 2019. The Applicant sought an order in the sum of £3,901.84 being the amount of arrears at the time of lodging the application.

The parties entered into a private residential tenancy agreement that commenced on 23<sup>rd</sup> March 2018. The monthly rent was £923.14. There was another tenant at the start of the tenancy but she left the Property prior to the application being raised. Prior to the Case Management Discussion, the Applicant notified the Tribunal that the Respondent had vacated the Property on 3<sup>rd</sup> June 2019.

## **Case Management Discussion**

A Case Management Discussion took place at the Inveralmond Business Centre in Perth on 2<sup>nd</sup> July 2019. The Applicant was represented by Mrs Donryn Dewar as Letting Agent. The Respondent was not present or represented. The Respondent had made no written representations to the Tribunal. The Tribunal had sight of a certificate of service in relation to notification of the Case Management Discussion served by Sheriff Officers on the Respondent on 31<sup>st</sup> May 2019. The Tribunal was satisfied that the Respondent was aware of the Case Management Discussion in terms of Rule 24(1) and that it was appropriate to proceed with the application on the representations of the Applicant and the material before the Tribunal, all in terms of Rule 29.

Mrs Dewar said her office had spoken to the Respondent prior to the Case Management Discussion and he had indicated that he would not be attending. Mrs Dewar said there had been numerous discussions with the Respondent concerning his unpaid rent arrears, and numerous payment plans that had broken down. As part of the Application, the Tribunal had sight of emails between the parties concerning unpaid rent.

Mrs Dewar presented the Tribunal with an amended rent statement that showed the current arrears to be £2,985.21. The Tribunal accepted the amended rent statement, which indicated that a further sum of £89 was outstanding in respect of the rent from 1<sup>st</sup> to 3<sup>rd</sup> June 2019. The Respondent had paid the sum of £150 towards his arrears on 14<sup>th</sup> June 2019. The sum of £855.63 in respect of part of the tenancy deposit had been credited to the rent account.

## **Findings in Fact**

1. The parties entered into a tenancy agreement in respect of the Property that commenced on 18<sup>th</sup> March 2018.
2. The rent was £923.14 per month.
3. Rent in the sum of £3840.84 lawfully due to the Applicant has not been paid by the Respondent.
4. The sum of £855.63, being part of the tenancy deposit paid by the Respondent, has been credited to the rent account.

## **Reasons for Decision**

Rent lawfully due by the Respondent to the Applicant has not been paid. The Applicant is entitled to recover the unpaid rent.

## **Decision**

An order for payment is granted against the Respondent in favour of the Applicant in the sum of £2,985.21.

## **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.**

Helen Forbes

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**Legal Member/Chair**

2 July 2019

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**Date**