

Housing and Property Chamber
First-tier Tribunal for Scotland



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/19/1455

Re: Property at Dalknock, 2 Coldwells Road, Crieff, PH7 4BB (“the Property”)

Parties:

Mr David Crabb, 15 Station Road, Chertsey, Surrey, KT16 8BE (“the Applicant”)

Mr Duncan Dingwall, Glenturrett Mill, Glenturrett, Crieff, Perthshire, PH7 4LD (“the Respondent”)

Tribunal Members:

Helen Forbes (Legal Member)

Decision (in absence of the Parties)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment should be granted in favour of the Applicant in the sum of £4,294.00.

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”). The Applicant is seeking an order for payment in the sum of £4,294.00 for unpaid rent pertaining to a tenancy agreement between the parties. The parties entered into the tenancy agreement in respect of the Property which commenced on 25th January 2016 and ended on 14th January 2019. The rent per month was £750.

The application was dated 1st May 2019. The Applicant included a copy of the tenancy agreement and a rental statement. The rental statement showed the sum of £4,294.00 was outstanding. This sum was made up of outstanding rental payments from 7th August 2018 to 14th January 2019, and a further sum outstanding from a previous payment plan.

The Case Management Discussion

The case called for a Case Management Discussion (“CMD”) on 23rd September 2019 at the Inveralmond Business Centre, Auld Bond Road, Perth. The Tribunal had

before it an email from the Applicant dated 14th September 2019 stating that he was unable to attend the CMD due to work commitments. The Respondent was not in attendance and had not made any written representations. The Tribunal had sight of intimation of service of the CMD upon the Respondent by Sheriff Officers dated 9th August 2019. The Tribunal was satisfied that parties had been given reasonable notice of the CMD and that the requirements of Rule 24(1) had been complied with. In terms of Rule 29, the Tribunal considered it appropriate to proceed upon the material before it.

The Tribunal considered the application and decided to grant the order for payment in the sum of £4,294.00 as sought.

Findings in Fact

1. The parties entered into a tenancy agreement in respect of the Property which commenced on 25th January 2016 and ended on 14th January 2019.
2. In terms of the tenancy agreement, the Respondent agreed to pay the sum of £750 per month in rent.
3. No rental payments were made from 7th August 2018 to 14th January 2019, and a further sum was outstanding from a previous payment plan. The total sum outstanding was £4,294.00.
4. Rent lawfully due to the Applicant had not been paid by the Respondent.

Reasons for Decision

Rent lawfully due to be paid by the Respondent in the sum of £4,294.00 has not been paid. The Applicant is entitled to recover rent lawfully due.

Decision

An order for payment in the sum of £4,294.00 is made in favour of the Applicant.

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
Legal Member/Chair

23rd September 2019
Date