



**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 (Act)**

Chamber Ref: FTS/HPC/CV/19/2314

Re: Property at Muir Cottage, Ballogie, Aboyne, AB34 5DH (“the Property”)

Parties:

**Ballogie Estate Entreprises, Ballogie Estate Office, Ballogie, Aboyne, AB34
5DS (“the Applicant”)**

**Mr Gary Cruikshank, Mrs Angela Cruikshank, 149 Renoir Avenue, Anchor,
AB31 5HU (“the Respondent”)**

Tribunal Members:

Alan Strain (Legal Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that the Respondent be ordered to pay the sum of
£6,750 in respect of rent arrears to the Applicant with interest at the
contractual rate of 5.75%.**

Background

This is an application under section 16 of the Act and Rule 70 of the Tribunal
Procedure Rules in respect of alleged rent arrears.

The Tribunal had regard to the following documents:

1. Application received 24 July 2019;
2. Short Assed Tenancy (SAT) commencing 10 June 2016;
3. Customer Ledger Card;
4. Notice to Quit dated 7 March 2018;
5. Section 33 Notice dated 7 March 2018;
6. Certificate of Service by Advertisement dated 30 October 2019.

Case Management Discussion (CMD)

The case called for a CMD on 30 October 2019. The Applicant was represented. The Respondent did not appear and was not represented.

The Tribunal were satisfied that the Respondent had received notification of the CMD by reference to the Certificate of Service by Advertisement. The Tribunal were satisfied that the Respondent knew that the Tribunal could proceed in absence and make a Decision if satisfied that it had sufficient information to do so and the procedure was fair.

The Tribunal considered the documentation and made the following findings in fact:

1. The parties entered in to an SAT of the Property commencing 10 June 2016;
2. The monthly rent was £1,000;
3. Clause Three of the SAT provides for interest at 5% above base on outstanding rent;
4. As at 19 June 2018 and as at the date of the CMD, the amount of rent outstanding was £6,750;
5. The Respondent had vacated the Property and current whereabouts were unknown.

Having considered the documentation the Tribunal was satisfied that it had sufficient information to make a decision and the procedure was fair. The Tribunal was satisfied that it had been established that the Respondent was due £6,750 in respect of rent arrears as at the date of the CMD and granted an order for payment to the Applicant in that amount with interest at 5.75% under Clause Three of the SAT.

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.

A Strain

30 October 2019

Legal Member/Chair

Date