

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/18/2666

Re: Property at 5 Rosskeen Drive, Invergordon, IV18 0JU (“the Property”)

Parties:

**Mr Donald Beaton, Rowanbank, Kildary, Invergordon, Ross-shire, IV18 0NN
 (“the Applicant”)**

**Miss Sarah - Jane Rickwood, 5 Rosskeen Drive, Invergordon, IAppV18 0JU
 (“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.**

Background

1. 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 £8,400.
2. The Tribunal had before it the following documents:
 - (i) Application dated 4th October 2018
 - (ii) Unsigned Tenancy Agreement between the parties dated 17th July 2017
 - (iii) Schedule of rent arrears from 15th August 2017 to 15th September 2018
 - (iv) Notice to Quit dated 18th May 2018
 - (v) Letter to Respondent from Wilsons Solicitors dated 2nd August 2018
 - (vi) Proof of Recorded Delivery – collected and signed for by Respondent on 24th May 2018
 - (vii) Form 11
 - (viii) Form AT6 dated 14th September 2018
 - (ix) Title Sheet for ROS5113

- (x) Certificate of Intimation from Sheriff Officers of service of the Application and associated documents upon the Respondent on 21st December 2018.

The Case Management Discussion

3. The Tribunal held a case management discussion on 15th January 2019 at the Spectrum Centre, 1 Margaret Street, Inverness. The Applicant was not present and was represented by Ms Laura McCarthy, Solicitor, Munro and Noble. Ms McCarthy was accompanied by Mr James Noone, Solicitor, who was present for the purposes of observation. The Respondent was not present. The Tribunal proceeded in terms of Rule 29 of the Rules, having satisfied itself that the requirements of Rule 24(1) had been complied with and that the Respondent had been notified of the Application and the case management discussion.
4. The parties entered into an agreement for an assured tenancy in respect of the Property on 14th August 2017. The rent for the Property was £600 per month. The Respondent has not made any rental payments since the start of the tenancy. The sum outstanding at the date of lodging the Application was £8400. Ms McCarthy moved the Tribunal to grant an order for payment in the sum of £8400.

Findings in Fact

5. In terms of the tenancy agreement between the parties, the rent due each month was £600. The Respondent has not made payment of any rent since the start of the tenancy. The Applicant is entitled to recover the unpaid rent as set out in the Application.

Reasons for Decision

6. The Respondent has failed to make payment of rent lawfully due in terms of the tenancy agreement between the parties. The Applicant is entitled to recover the rent lawfully due.

Decision

7. The Tribunal makes an order for payment in the sum of £8,400 to be paid by the Respondent to 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.

H.Forbes

Legal Member/Chair

15th January 2019
Date