



**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/19/3770**

**Re: Property at 140 Hazel Avenue, Culloden, Inverness, IV2 7WS (“the  
Property”)**

**Parties:**

**Mr Ian George Maclean, 64 Slackbuie way, Inverness, IV2 6AT (“the Applicant”)**

**Mr Alistair Rennie, 140 Hazel Avenue, Culloden, Inverness, IV2 7WS (“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 in the sum of £2280 should be  
granted in favour of the Applicant.**

**Background**

1. By application dated 22<sup>nd</sup> November 2019, made in terms of Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 as amended (“the Rules”), the Applicant applied for an order for payment in respect of rent lawfully due to the Applicant, in the sum of £2660.
2. Parties entered into a tenancy agreement in respect of the Property which commenced on 9<sup>th</sup> May 2008. The term of the tenancy was 6 months. The rent was £380. The Applicant lodged a copy of the tenancy agreement and a statement of rent.
3. Service upon the Respondent of notification of the forthcoming Case Management Discussion was effected by Sheriff Officers on 30<sup>th</sup> December 2019.

## **The Case Management Discussion**

4. A Case Management Discussion ("CMD") took place on 28<sup>th</sup> January 2020 at Jury's Inn, Millburn Road, Inverness. The Applicant was present and represented by Mr Angus Brown, Solicitor. The Respondent was not present or represented.
5. The Tribunal considered that the Respondent had been given reasonable notification of the date, time and place of the hearing in terms of Rule 24(1). Being so satisfied, the Tribunal considered that the terms of Rule 29 were met and that it was appropriate to proceed with the application upon the representations of the party present and all the material before it.
6. Mr Brown moved the Tribunal to grant the order sought. The outstanding sum related to rent for the period from January to November 2019. A previous Tribunal had granted an order for payment for sums due prior to that date.
7. Mr Brown informed the Tribunal that the Applicant had received a payment from Universal Credit in the sum of £380 in November 2019. No further sums had been received. Following discussion, it was ascertained that the payment was made in respect of November's rent. Mr Brown, therefore, moved that the sum sought be reduced by £380 to £2280. It was submitted that, in terms of Rule 18, the Tribunal could determine the proceedings without a hearing.

## **Findings in Fact**

8. (i) Parties entered into a Short Assured Tenancy in respect of the Property which commenced on 9<sup>th</sup> May 2008.  
  
(ii) The rent due in terms of the tenancy agreement was £380 per month.  
  
(iii) The Applicant is entitled in terms of the tenancy agreement between the parties to rent lawfully due.  
  
(iv) Rent lawfully due by the Respondent to the Applicant has not been paid.

## **Reasons for Decision**

9. 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 rent lawfully due.

## **Decision**

10. An order for payment in the sum of £2280 is granted in favour of the Applicant.

## Right of Appeal

11. 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

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Legal Member/Chair

*28th January 2020*

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Date