



**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/19/0470

**Re: Property at Lude Front Lodge, Blair Atholl, Perthshire, PH18 5TR (“the
Property”)**

Parties:

**Lude & Invergarry Farms, Lude Estate Office, Blair Atholl, Perthshire, PH18
5TR (“the Applicant”)**

Mr David Gallimore, 1 McCowen Avenue, Crieff, PH7 3JY (“the Respondent”)

Tribunal Members:

Ewan Miller (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 in favour of
the Applicant against the Respondent for sum of £2810, with the Respondent
being granted time to pay the principal sum due in instalments over 18 months**

Background

The Applicant was the owner of the Property. The Property had been let to the Respondent. The Applicant alleged that arrears of rental had built up. The tenancy had since terminated and the Applicant alleged that whilst they had tried to engage with the Respondent to get payment they had had no success. Eventually the Applicant had felt compelled to apply to the Tribunal under Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 as amended.

The Tribunal had before it:-

- The Applicant’s application to the Tribunal dated 8 February 2019;
- A Copy of the Lease and an AT5 between A D Gordon and the Respondent;

- A rental arrears statement relating to the Property from 01/01/14 to date;
- Various emails and correspondence from the Applicant to the Respondent seeking payment;
- Certificate of Confirmation of Service from Sheriff Officers of the Tribunal Papers on the Respondent;

CMD

A Case Management Discussion (CMD) took place on 3 May 2019 at Inveralmond Business Centre, Auld Bond Road, Perth. Mr Duncan Gordon, a partner within the Applicant's partnership was present and represented the Applicant. The Respondent was neither present nor represented.

The Tribunal noted that the paperwork served by Sheriff Officers timeously on the Respondent advised him that a decision could be made in his absence by the Tribunal. Given this fact, the Tribunal saw no reason not to proceed in the absence of the Respondent and to make a decision on the day.

Findings in Fact

The Tribunal found the following facts to be established:-

- The Applicant was the owner of the Property;
- The Property had been let to the Respondent in January 2014;
- The monthly rental under the lease was £380 per calendar month;
- At the point the Respondent terminated the tenancy of the Property around May 2017 arrears of rental of £2810 had built up;
- The Respondent was due the sum of £2810 in unpaid rental to the Applicant

Reasons for the Decision

The Tribunal noted that the original lease had been granted by A D Gordon personally. The Applicant advised that the Property was now held by him and his father and their respective spouses in the Firm of Lude and Invergarry Farms, which was a partnership.

The Applicant had produced evidence of the lease that was in place, the arrears of rental and correspondence chasing the Respondent for payment. The Respondent had not challenged or provided any information to suggest that the Applicants position was in dispute.

The Tribunal found the Applicant to be credible and accepted, on the balance of probabilities, the evidence before it as establishing the debt of £2810.

Notwithstanding the non-appearance of the Respondent, the Applicant had indicated in their application to the Tribunal that they would accept a time to pay arrangement over 18 months. This was re-affirmed at the hearing. On that basis the Tribunal was content to grant an order for the principal sum with time to pay in 18 equal monthly instalments.

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.

E Miller

Legal Member/Chair

3/5/19

Date