



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber)**

**Chamber Ref: FTS/HPC/CV/22/4189**

**Re: Property at 79 Galloway Avenue, Ayr, KA8 9NY (“the Property”)**

**Parties:**

**Real Estate Wealth Development Limited, REWD Group HQ, Unit 4, Barons Court, Grangemouth, FK3 8BH (“the Applicant”)**

**Mr David Ellis, Ms Christina Tennent, 79 Galloway Avenue, Ayr, KA8 9NY (“the Respondents”)**

**Tribunal Members:**

**Virgil Crawford (Legal Member)**

**Decision (in absence of the Respondents)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that**

**BACKGROUND**

1. By Lease dated 10<sup>th</sup> December 2020 the Applicant Let the Property to the Respondents;
2. The rent payable was £495.00 per month;
3. The Respondents fell into arrears of rent, as a result of which the Applicants raised an action against them for seeking a payment Order;
4. As at the date of the application the amount of rent outstanding amounted to £2,425.00. As at the date of the case management discussion (10<sup>th</sup> February 2023) the arrears of rent had increased to £3,910.00;

5. The Applicants had, prior to the case management discussion, provided an updated rent statement to the Tribunal which rent statement had been copied to the Respondents;

### **THE CASE MANAGEMENT DISCUSSION**

6. The Applicant was represented at the case management discussion by Mr A Richmond of Messrs Anderson Strathern LLP. The Respondents did not participate in the case management discussion. The Tribunal, however, was in receipt of a certificate of intimation by Sheriff Officers confirming that the proceedings had been intimated upon the Respondent. In the circumstances, the Tribunal was satisfied in terms of Rule 24 of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the FTT Regs”) that the respondent had received intimation of the date and time of the Case Management Discussion and considered that it was appropriate to proceed with the Case Management Discussion in the absence of the Respondent in accordance with Rule 29 of the FTT regs;
7. Mr Richmond, on behalf of the Applicant, advised the Tribunal that the Respondents were still resident within the property. They were not paying rent, as a result, the arrears of rent had increased between the date of the application and the date of the case management discussion;
8. Mr Richmond moved the Tribunal to amend the amount claimed by increasing it to £3,910.00. On the basis this amount had been intimated to the Tribunal in advance, and had been intimated to the Respondents, and on the basis that the Respondents did not participate in the proceedings, the Tribunal granted the motion;
9. Thereafter, the Tribunal granted a payment order in the sum of £3,910.00 against the Respondents;

### **FINDINGS IN FACT**

10. The Tribunal found the following facts to be established:-
  - a. By Lease dated 10<sup>th</sup> December 2020 the Applicant let the property to the Respondents;
  - b. The rent payable was £495.00 per calendar month. As at 10<sup>th</sup> February 2023 the Respondents were in arrears of rent in the amount of £3,910.00;
  - c. The Respondents are due, resting and owing to the Applicant in the sum of £3,910.00;

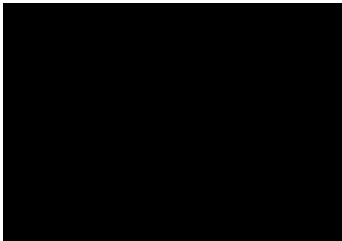
### **DECISION**

The Tribunal granted an order against the Respondent jointly and severally and severally for payment of the undernoted sum to the Applicant:

Sum of THREE THOUSAND NINE HUNDRED AND TEN POUNDS (£3,910.00)  
STERLING

## 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.



10 February 2023

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Legal Member/Chair

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Date