



**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/19/1619

Re: Property at 4 Hill Place, Inverness, IV2 3AD (“the Property”)

Parties:

Plainstones Limited, Quay Cottage, Findhorn, Forress, IV36 3YE (“the Applicant”)

Mr Colin George Horne, Ms Kholoud Horne, 4 Hill Place, Inverness, IV2 3AD; 4 Hill Place, Inverness, IV2 3AD (“the Respondents”)

Tribunal Members:

Helen Forbes (Legal Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment by the Respondents to the Applicant should be made in the sum of £3300 with interest at the rate of 8% per annum from the date of the decision.

Background

This is an application for an order for payment dated 9th May 2019 and brought in terms of Rule 111 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 as amended (“the Rules”).

The Applicant seeks an order for payment in the sum of £3300 in respect of rent arrears arising from a tenancy agreement between the parties pertaining to the Property. The Applicant lodged a copy of a private residential tenancy agreement which commenced on 1st July 2018, together with a rent statement.

The Tribunal had before it certification that case papers and notification of the Case Management Discussion had been served at the address of the Respondents on 30th August 2019 by Sheriff Officers.

No written representations were lodged by either party. An affidavit dated 8th August 2019 from Mrs Christine Hunt in support of the application was submitted to the Tribunal in advance of the Case Management Discussion.

The Case Management Discussion

A Case Management Discussion (“CMD”) took place on 8th October 2019 at the Mercure Hotel, Church Street, Inverness. The Applicant was represented by Ms Gemma Thomson, Trainee Solicitor, acting as a local agent. Ms Thomson was accompanied by Mr and Mrs Hunt, directors and owners of Plainstones Limited. The Respondents were not present. The Tribunal was satisfied that the requirements of Rule 24(1) had been complied with and notice of the CMD given to the Respondents, and that it was appropriate to continue with the CMD in the absence of the Respondents in terms of Rule 29.

Ms Thomson produced an updated rent statement showing arrears in the sum of £8050. No application to amend the sum sought from the sum of £3300 had been made on behalf of the Applicant, therefore, the Tribunal could not consider an amended sum. In the circumstances, Ms Thomson moved for an order for payment in the sum of £3300.

Findings in Fact

1. The parties entered into a private residential tenancy commencing on 1st July 2018 in respect of the Property with an agreed monthly rent of £950.
2. The Respondents are in arrears of rent.
3. The Respondents have failed to pay rent lawfully due to the Applicant.
4. The Applicant is entitled to recover rent lawfully due in terms of the tenancy agreement between the parties.

Reasons for Decision

The Respondents have 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

An order for payment in the sum of £3300 to the Applicant is made against the Respondents with interest at the rate of 8% per annum from the date of the decision.

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.

Helen Forbes

Legal Member/Chair

Date

8th October 2019