



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 (“the 2014 Act”) and Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Rules”)

Chamber Ref: FTS/HPC/CV/21/2136

**Re: Property at 3 Shields Avenue, St Andrews, Fife, KY16 8BJ
 (“the Property”)**

Parties:

**Mr John Cuthill, Cherrybank, Brunton, Cupar, KY15 4NB
 (“the Applicant”)**

**Thistle Property and Letting Limited, 9 Aikman Place, St Andrews, Fife, KY16 8XS
 (“the Applicant’s Representative”)**

**Mr Kai Guo, 3 Shields Avenue, St Andrews, Fife, KY16 8NJ and Ms Frederique Gomes, present whereabouts unknown, previously residing at 3 Shields Avenue, St Andrews, Fife, KY16 8BJ
 (“the Respondents”)**

Tribunal Members:

**Ms. Susanne L M Tanner Q.C. (Legal Member)
 Ms Eileen Shand (Ordinary Member)**

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the tribunal”) determined that the Respondents should pay to the Applicant the sum of TEN THOUSAND TWO HUNDRED AND SEVENTY FIVE POUNDS AND SEVEN PENCE (£10,275.07) STERLING; and made an Order for Payment in respect of the said sum.

1. Procedural background

- 1.1. The Applicant made an Application to the tribunal on 1 September 2021 in terms of Section 16 of the 2014 Act and Rule 111 of the 2017 Rules, seeking an order for payment against the Respondent in the sum of £10,275.07 in respect of rent arrears to 24 August 2021.
- 1.2. The Application documentation submitted by the Applicants' Representative comprised:
 - 1.2.1. A Private Residential Tenancy agreement dated 19 September 2019; and
 - 1.2.2. A rent ledger showing payments and arrears to 24 August 2021.
- 1.3. The tribunal's administration obtained the Title Sheet for the Property which shows that the Applicant was registered as proprietor on 8 September 2006.
- 1.4. On 21 September 2021, the Application was accepted for determination by the tribunal. A Case Management Discussion was fixed for 29 November 2021 at 1000h.
- 1.5. The tribunal sent letters dated 25 October 2021 to all parties with notification of the date, time and place of the CMD. The Respondents were invited to submit written representations to the Application by 15 November 2021.
- 1.6. Service on the Respondents of the application paperwork and CMD notification by Sheriff Officers was unsuccessful.
- 1.7. No written representations were submitted by the Respondent in advance of the CMD.
- 1.8. The tribunal postponed the CMD and fixed a new CMD on 11 January 2022 at 1000h by teleconference. Service by advertisement on the tribunal's website took place from 25 November 2021 to 11 January 2022.

2. CMD: 11 January 2022, 1000h, teleconference

- 2.1. Mr Sinclair stated that the sum claimed in £10,275.07 which included pro rata rent to 24 August 2021.

2.2. He stated that there was an additional balance for the period from 20 July to 19 August 2021 of £374.93 and that arrears had continued to accrue since that time.

2.3. He stated that he was seeking the arrears of £10,275.07 to 24 August 2021 in the present proceedings and that he intended to take advice from the Applicant on whether to make a second Application for the period from 25 August 2021 up to the date that the Respondents leave the Property.

3. Findings-in-Fact

3.1. The Applicant is the registered proprietor of the Property.

3.2. In terms of a Private Residential Tenancy agreement between the parties in respect of the Property dated 19 September 2019, the start date of the tenancy was 20 September 2019.

3.3. Rent is payable by the Respondent to the Applicant at the rate of £850.00 per calendar month, on 20th of each month, in advance.

3.4. The rent arrears which accrued from the start of the tenancy to 24 August 2021 amounted to £10,275.07.

3.5. The Respondents have not made any payments to the Applicant in respect of rent arrears to 24 August 2021 since that date.

3.6. The Respondents' tenancy has continued since 24 August 2021 and an eviction order was made in related proceedings on 11 January 2022.

4. Discussion

4.1. As the tribunal was satisfied that the Respondents owe £10,275.07 to the Applicant by way of rent arrears to 24 August 2021, the tribunal made an Order for Payment in respect of the rent arrears in the sum of £10,275.07.

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.



11 January 2022

Ms. Susanne L M Tanner Q.C.
Legal Member/Chair