



**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/19/3525**

**Re: Property at 1 Sidlaw Place, Coupar Angus, PH13 9EL (“the Property”)**

**Parties:**

**Mr Paul Bate, 3D Fleming Gardens South, Dundee, DD3 7NE (“the Applicant”)**

**Mr Ewan Grant, Ms Paisley Campbell, 8 Hay Street, Coupar Angus, PH13 9BL;  
8 Hay Street, Coupar Angus, PH13 9BL (“the Respondents”)**

**Tribunal Member:**

**Helen Forbes (Legal Member)**

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

**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 in the sum of £8468.13.**

**Background**

1. This is an application for an order for payment under Rule 70 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 as amended (“the Rules”). The application was received in the period between 1<sup>st</sup> November 2019 and 17<sup>th</sup> February 2020. The Applicant lodged a rental statement with the application, showing rent arrears outstanding in the sum of £2693.13, in connection with a tenancy agreement between the parties pertaining to the Property that commenced on 22<sup>nd</sup> November 2016.
2. A Case Management Discussion set down for 9<sup>th</sup> April 2020. By Order dated 19<sup>th</sup> March 2020, the CMD was postponed to 28<sup>th</sup> May 2020, as part of the measures to manage the COVID-19 outbreak.
3. By Order dated 19<sup>th</sup> May 2020, the CMD set down for 28<sup>th</sup> May 2020 was postponed to 9<sup>th</sup> July 2020, as part of the measures to manage the COVID-19 outbreak.

4. By Order dated 13<sup>th</sup> July 2020, the CMD set down for 9<sup>th</sup> July 2020 was postponed to 14<sup>th</sup> July 2020, as part of the measures to manage the COVID-19 outbreak.
5. By email dated 8<sup>th</sup> July 2020, the Applicant's representative made an application to increase the sum sought to £5,843.13.
6. A Case Management Discussion ("CMD") took place by telephone conference on 14<sup>th</sup> July 2020. The CMD was continued to a further CMD in order that this case and case number FTS/HPC/EV/20/1341 could be heard together.
7. By email dated 25<sup>th</sup> September 2020, the Applicant's representative made an application to increase the sum sought to £7418.13.
8. A CMD took place by telephone conference on 14<sup>th</sup> September 2020. Prior to the CMD, it had been suggested that the Respondents may be living at a new address. The CMD was continued for intimation upon the Respondents at the Property and at the new address.
9. A CMD took place by telephone conference on 26<sup>th</sup> November 2020. The CMD was continued to allow the Applicant to amend the application to reflect the current outstanding arrears.
10. By email dated 26<sup>th</sup> November 2020, the Applicant's representative made an application to increase the sum sought to £8468.13.
11. Parties were notified on 18<sup>th</sup> January 2021 of a CMD scheduled for 22<sup>nd</sup> February 2021.

### **Case Management Discussion**

12. A CMD took place by telephone conference on 22<sup>nd</sup> February 2021. The Applicant was not in attendance and was represented by Mr Jay Lawson, Solicitor. Commencement of the CMD was delayed to allow the Respondents to attend. The Respondents were not in attendance.
13. The Tribunal considered the terms of Rule 29 of the Rules. The Tribunal determined that the Respondents had been given reasonable notice of the time and date of the CMD and that the requirements of Rule 17(2) had been satisfied and it was appropriate to proceed with the application in the absence of the Respondents.
14. Mr Lawson moved for an order for payment in the sum of £8468.13.

### **Findings in Fact**

15.
  - i. Parties entered into a short assured tenancy agreement in respect of the Property that commenced on 22<sup>nd</sup> November 2016 with an agreed

rent of £371 per month. In April 2018, the rent increased to £415.40 per month. In December 2019, the rent increased to £525 per month.

- ii. Rent lawfully due in terms of the tenancy was not paid by the Respondents.
- iii. The Applicant is entitled to recover rent lawfully due.

### **Reasons for Decision**

16. The Respondents have failed to make payment of rent lawfully due. The Applicant is entitled to recover rent lawfully due in terms of the tenancy agreement between the parties.

### **Decision**

17. An order for payment is granted in favour of the Applicant in the sum of £8468.13

### **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**

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**Legal Member**

22<sup>nd</sup> February 2021  
**Date**