



**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/20/0227

**Re: Property at Glenroan Cottage, Glenroan Farm, Knockvennie, Castle
Douglas, DG7 3NU (“the Property”)**

Parties:

**Mr Oscar Yerburgh, Barwhillanty, Parton, Castle Douglas, GD7 3NS (“the
Applicant”)**

Mr Daniel Clark, Unknown, Unknown (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member) and Janine Green (Ordinary Member)

- **Background**

The Applicant lodged an Application seeking a Payment Order in respect of the Respondent’s tenancy at the Property. The Application included a Short Assured Tenancy between the parties and a rent statement showing rent said to be lawfully due but unpaid.

- **The Hearing**

The Application called for a Hearing at 10am on 21 September 2020 by telephone conference. Intimation of the Application and the Hearing had been served on the Respondent by means of service by advertisement on 17 August 2020. Sheriff Officers had previously been unable to effect service of the Application on the Respondent at the Property. The Respondent did not appear and was not represented at the Hearing. The Applicant was represented by Mr Adam Turnbull, Solicitor of Gillespie Gifford and Brown LLP. The Hearing called alongside a related Application for an Eviction Order between the parties.

- **Findings in Fact**

Having heard from Mr Turnbull, the Tribunal made the following findings in fact.

- I. There was a Short Assured Tenancy between the parties dated 16 December 2012 setting out a tenancy period of between 22 December 2012 and 21 December 2013 and thereafter continuing monthly.
- II. The Applicant was the landlord and the Respondent was the tenant in respect of this Short Assured Tenancy.
- III. The monthly rent due by the Respondent to the Applicant in respect of the Tenancy was £300.00 per month.
- IV. The Respondent fell into rent arrears and at the time of lodging the Application, the sum of £3,300 was lawfully due by the Respondent to the Applicant.
- V. This sum remains unpaid.

- **Reasons for Decision**

Having made the above findings in fact, the Tribunal unanimously considered that the Application should be granted.

- **Decision**

The Tribunal accordingly granted the Application for a Payment Order in the sum of £3,300.00 as sought.

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.



ANDREW MCLAUGHLIN

21st September 2020

Legal Member/Chair

Date