



**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/20/1307**

**Re: Property at Golf Cottage, Muckhart Golf Club, Drumburn Road, Muckhart,  
FK14 7JH (“the Property”)**

**Parties:**

**Muckhart Golf Club, Muckhart Golf Club, Drumburn Road, Muckhart,  
Clackmannanshire (“the Applicant”)**

**Mrs Agnes Bulloch, Bogenraith House, Banchory, AB31 6DS (“the  
Respondent”)**

**Tribunal Members:**

**Fiona Watson (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
Tribunal”) determined that an order is granted against the Respondent(s) for  
payment of the undernoted sum to the Applicant(s):**

**Sum of ONE THOUSAND FOUR HUNDRED AND NINETY-THREE POUNDS AND  
THIRTY-NINE PENCE (£1,493.39) STERLING**

- Background
- 1. An application dated 18 June 2020 was submitted to the Tribunal under Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”), seeking a payment order against the Respondent in relation to rent arrears accrued under a short assured tenancy agreement.

- The Case Management Discussion
2. A Case Management Discussion (“CMD”) took place on 17 December 2020 by tele-conference. Mr Turlik and Mr Higgle as Committee Members for Muckhart Golf Club, appeared on behalf of the Applicant. The Respondent was neither present nor represented. The CMD had previously been postponed following a request to do so by the Respondent. The Respondent had requested that all future correspondence be made to her daughter, as her Representative. A letter was intimated by email to the Respondent’s Representative on 11 November 2020 advising of the new date and time of the CMD. The Tribunal was satisfied that the Respondent had received sufficient intimation of the date and time of the CMD, and that the CMD could proceed in her absence.
  3. The Applicant moved for the order for payment to be granted in the reduced sum of £1,493.39. The Respondent entered into a short assured tenancy agreement which commenced 14 April 2017. The agreed monthly rent was £650. She failed to pay rent in January 2020, February 2020, and March 2020. She vacated the property on 29 March 2020. The rent arrears due as at the date of termination of the tenancy were £1,698.39. Following termination of the tenancy, the Applicant received repayment of the tenancy deposit from the tenancy deposit scheme, which covered sums due for damages costs as well as part of the rent arrears. Accordingly, this reduced the arrears to the sum of £1,493.39 being sought.
  4. The Respondent had emailed the Tribunal on 2 November 2020. In said email she claimed that she had no central heating in the property for nearly 2 years and which the Applicant never fixed. She therefore stopped paying the rent in the hope that they would fix or replace the heating.
  5. The Applicant advised that there had been some intermittent issues with the central heating system, which was on a combined system which served both the cottage and the clubhouse. The Respondent had been given portable heaters in case of emergency, and there was electric heating in the lounge which would work separately from the main system, as well as hot water working separately from a storage heater. They had attempted to obtain access to the property to ascertain whether they could change the system so that the property could have a heating system working independently from the clubhouse, but the Respondent had refused all reasonable attempts at access. At no point was the Respondent without any heating at all, nor without hot water. The Respondent had not notified them that she intended to withhold rent. The Applicant had also offered compensation by way of a reduced rent to compensate for issues experienced with the heating. The Applicant had corresponded with the Respondent since January 2020 seeking repayment of the arrears. In January, the Respondent advised that she would clear the arrears within “a few weeks.” Thereafter following non-payment, in February the Respondent confirmed that all arrears would be cleared by 21 February. No payment was received

- Findings in Fact

6. The Tribunal made the following findings in fact:

- (a) The parties entered into a Short Assured Tenancy Agreement (“the Agreement”) which commenced 14 April 2017;
- (b) In terms of Clause 3 of the Agreement, the Respondent was obliged to pay a monthly rent of £650 to the Applicant;
- (c) The Respondent had failed to make payment of rent as fell lawfully due, and had accrued arrears amounting to £1,493.39.

- Reasons for Decision

7. The Tribunal was satisfied that the Applicant was entitled to the sum as sought. The Respondent was obliged to make payment of rent in the sum of £650 per month under Clause 3 of the Agreement and had failed to do so. She had accrued arrears amounting to £1,493.39 and which were lawfully due to be repaid to the Applicant. The tribunal was satisfied on the basis of the Applicant’s submissions that they had reacted reasonably to any complaints by the Respondent regarding issues with the heating. No evidence was lodged by the Respondent in this regard, nor did the Respondent, or any representative acting on her behalf, participate in the CMD to make any submissions in this regard.

- Decision

8. The First-tier Tribunal for Scotland (Housing and Property Chamber) granted an order against the Respondent(s) for payment of the undernoted sum to the Applicant(s):

Sum of ONE THOUSAND FOUR HUNDRED AND NINETY-THREE POUNDS AND THIRTY-NINE PENCE (£1,493.39) 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.**

**Fiona Watson**

**Fiona Watson**  
Legal Member/Chair

**Date: 17 December 2020**

