



**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/20/2304

Re: Property at 8 Bridgend Cottages, Inverkip, PA16 0AN (“the Property”)

Parties:

**Ardgowan Estate Testamentary Trustees, Ardgowan House, Inverkip, PA16 0DW
 (“the Applicant”)**

Mr David Nolan, 46 Sutherland Road, Greenock, PA16 9JB (“the Respondent”)

Tribunal Members:

Richard Mill (Legal Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that an Order for Payment be made against the
Respondent in the sum of Four Thousand Seven Hundred and Ninety Eight
Pounds and Seventy Eight Pence (£4,798.78)**

Introduction

This is an application under Rule 70 and Section 16 of the Housing (Scotland) Act 2014. The application seeks recovery of rent arrears under an assured tenancy.

Service of the application and intimation of the Case Management Discussion (CMD) was effected upon the respondent personally by Sheriff Officers on 23 December 2020

The CMD took place by teleconference on 10 February 2021 at 11.30 am.

The applicant was represented by Mr Nick Wright of Messrs Stanley Wright Ltd. The respondent joined the teleconference hearing personally and represented his own

interests. The respondent failed to participate in the teleconference hearing. There was no barrier to him doing so.

Findings and Reason

The property is 8 Bridgend Cottages, Inverkip PA16 0AN.

The applicant named on the written application to the Tribunal is Sir Ludovic Shaw-Stewart of Ardgowan Estate Testamentary Trustees. The lease entered into between the parties specifies the landlord as The Trustees of the late Sir Houston Shaw Stewart, Ardgowan Estate, Inverkip, Renfrewshire. Sir Ludovic Shaw-Stewart is one of those Trustees. The Tribunal was satisfied that the applicant has title and interest to bring the proceedings.

The respondent is the former tenant of the property. He has now left, after giving notice to leave.

The parties entered into a short assured tenancy for an initial 6 month period which commenced on 22 June 2017. The rent in the written lease was specified at a rate of £425 per calendar month. After two years the rent was increased to £430 per calendar month.

The written application to the Tribunal seeks to recover arrears of unpaid rent. The application is accompanied by a detailed formal rent statement. This discloses dates upon which rent fell due, dates when rent was received, and amounts of rent outstanding.

The application seeks to recover rent arrears totalling £4,798.78. This is the sum shown outstanding on the detailed formal rent statement which has been produced. This discloses that since the commencement of the tenancy, a total amount of rent has fallen due in the sum of £17,613.78 and that correspondingly the sum of £12,815 has been received, thus resulting in a balance due of £4,798.78. The final month's rent was apportioned up to the date of the respondent's departure from the property.

The applicant is entitled to recover arrears of rent lawfully due under and in terms of the lease.

The Tribunal relied upon the documentary evidence which was found to be credible and reliable, together with the unchallenged submissions of the applicant's representative.

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.

Richard Mill

10 February 2021

Legal Member/Chair

Date