



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 (1) of the Private Housing (Tenancies) (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/CV/20/2437**

**Re: Property at Flat 1, 16 Dunkeld Road, Perth, PH1 5RW (“the Property”)**

**Parties:**

**Mr Steven Stewart, 16 Dunkeld Road, Perth, PH1 5RW (“the Applicant”)**

**Mr Jack Botham, Mr Jack Botham, 1 Queens Court, Perth, PH2 0ES (“the Respondent”)**

**Tribunal Members:**

**Andrew McLaughlin (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that:**

**Background**

This Application called for a Case Management Discussion by conference call at 2 pm on 10 February 2021.

The Applicant was personally present on the call. There was no appearance by or on behalf of the Respondent. The Respondent had been served with the relevant paperwork and details about how to join the conference call by Sheriff Officers on 24 December 2020. The Tribunal therefore considered it fair to proceed with the Case Management Discussion in the absence of the Respondent.

## **The Case Management Discussion**

The Applicant seeks a Payment Order in the sum of £5,600.00 said to have accrued as rent arrears in respect of a Private Residential Tenancy between the parties. Mr Stewart directed the Tribunal's attention to a rent statement that showed how this figure had been calculated. The Tribunal also considered the tenancy agreement between the parties and considered the Application to be well founded based on the documentary evidence the Tribunal had before it.

## **Findings in Fact**

*Having heard from the Applicant and considered the Application, the Tribunal made the following findings in fact.*

- I. The Applicant and the Respondent entered into a Private Residential Tenancy regarding the Property which commenced on 10 June 2019.*
- II. The Applicant was the landlord and the Respondent was the tenant in respect of this tenancy.*
- III. The Respondent fell into rent arrears.*
- IV. As at today's date the sum of £5,600.00 is contractually due as rent by the Respondent to the Applicant but remains unpaid.*

## **Reasons for Decision**

Having made the above findings in fact, the Tribunal granted the Application and made a Payment Order in favour of the Applicant against the Respondent in the sum of £5,600.00 The Tribunal ordered interest to run on that sum at the rate of 5 per cent per year from today's date until payment.

## **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**

10<sup>th</sup>February2021

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Legal Member/Chair

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Date