



**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/20/2498

Re: Property at 77 Appin Terrace, Perth, PH1 2LU (“the Property”)

Parties:

**Mrs Ruth Catherine Miller, c/o Letting Direct, 8 Atholl Crescent, Perth, PH1 5NG
 (“the Applicant”)**

Mr Rodger Findlay, 77 Appin Terrace, Perth, PH1 2LU (“the Respondent”)

Tribunal Members:

Graham Harding (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant was entitled to an order for payment by the Respondent to the Applicant in the sum of £9472.95.

Background

1. By application dated 30 November 2020 the Applicant’s representatives Kippen Campbell, Solicitors, Perth applied to the Tribunal for an order for payment in respect of alleged rent arrears arising from the Respondent’s tenancy of the property. The Applicant’s representatives submitted a rent statement, copy of the tenancy agreement, copy AT5, Notice to Quit, S33 Notice, Form AT6 with proof of service, Letter to Perth & Kinross Council and Section 11 Notice in support of the application.
2. By Notice of Acceptance dated 14 December 2020 a legal member of the Tribunal with delegated powers accepted the application and a Case Management Discussion was assigned.

3. Intimation of the Case Management Discussion was sent to the Applicant's representatives by post and intimation was given to the Respondent by Sheriff Officers on 22 December 2020.
4. The Applicant's representatives submitted written representations to the Tribunal by email dated 4 February 2021.

The Case Management Discussion

5. A Case Management Discussion was held by teleconference on 8 February 2021. The Applicant was represented by Mrs Sally McCartney of the Applicant's representatives. The Respondent did not attend. The Tribunal being satisfied that proper intimation of the Case Management Discussion had been given to the Respondent determined to proceed in his absence.
6. Mrs McCartney referred the Tribunal to the rent statement submitted with the application and confirmed that as at the date of the application the rent due by the Respondent amounted to £9472.95. She advised the tribunal that no payment had been made since making the application and a further three months rent was now due. Mrs McCartney advised the Tribunal that the Respondent had contacted the letting agents in October 2020 indicating he was prepared to make payment of rent but had subsequently failed to do so.
7. Mrs McCartney confirmed that the rent due in terms of the Short Assured Tenancy Agreement was £595.00 per month.
8. Mrs McCartney asked the Tribunal to make an order for payment in the sum of £9472.95.

Findings in Fact

9. The parties entered into a Short Assured Tenancy that commenced on 28 April 2017 for a period of six months and renewed by tacit relocation thereafter every six months.
10. The monthly rent was £595.00.
11. The Respondent fell into arrears of rent and as at 30 November 2020 was due rent of £9472.95.
12. The Respondent has not made any payment of rent since 9 April 2020.

Reasons for Decision

13. The Tribunal having considered the written representations and documents together with the oral submissions was satisfied that the Respondent had accrued rent arrears amounting to £9472.95 as at the date of the application to the Tribunal namely 30 November 2020.

14. The Tribunal was satisfied that it had sufficient information before it to make a decision without the need for a hearing.

Decision

15. The Tribunal finds the Respondent liable to pay the Applicant the sum of £9472.95.

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.

Graham Harding

**Graham Harding
Legal Member/Chair**

**8 February 2021
Date**