



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber)**

Chamber Ref: FTS/HPC/CV/21/1140

Re: Property at 34B Damacre Road, Brechin, DD9 6DU (“the Property”)

Parties:

Tarragon Properties Ltd, a company incorporated under the Companies Acts and having its registered office at Unit 10 Waverley Industrial Park, Hailsham Dr, Harrow, Middlesex, HA1 4TR (“the Applicant”)

John Duncan, residing at 34B Damacre Road, Brechin, DD9 6DU (“the Respondent”)

Tribunal Member:

Paul Doyle (Legal Member)

Decision (in absence of both parties)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) dismissed the application.

Background

The Applicant sought an order for payment of rental arrears totalling £1,050. The Applicant had lodged with the Tribunal Form F. The documents produced were a Tenancy Agreement, bank statements, a statement of outstanding rent and copies of correspondence between the parties. A copy title sheet was lodged with the Tribunal which showed that the applicant is the heritable proprietor of the Property.

Case Management Discussion

A case management discussion took place by telephone conference at 10.00am on 2 August 2021. There was no appearance by or on behalf either party. The hearing was delayed until 10.15 am to allow the parties to participate, but neither the applicant nor the respondent joined the conference call.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent entered into a Tenancy Agreement for the Property on 10 February 2021.
2. The agreed rent in terms of the Tenancy Agreement was £350 per month. At the date of application, there were arrears of rental totalling £1,050.
3. The applicant has been timeously notified of this hearing. Notice of the date of this hearing was served on the Respondent by advertisement on 21 June 2021.
4. No one appears to move the application.

Reasons for the Decision

The Tribunal determined to dismiss the application for want of insistence because neither party appeared and neither party is represented.

Decision

For the foregoing reasons, the Tribunal dismissed the application.

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.

Where such an appeal is made, the effect of the decision and of any order is suspended until the appeal is abandoned or finally determined by the Upper Tribunal, and where the appeal is abandoned or finally determined by upholding the decision, the decision and any order will be treated as having effect from the day on which the appeal is abandoned or so determined.

P. D

Legal Member

Date 2 August 2021