



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

**Chamber Ref: FTS/HPC/CV/21/1578**

**Re: Property at 1C Inness Park Road, Skelmorlie, PA17 5BA (“the Property”)**

**Parties:**

**Mr Colin Galloway, 12 Dog Close, Adderbury, Banbury, OX17 3EF (“the Applicant”)**

**Mr John Cole, 1C Inness Park Road, Skelmorlie, PA17 5BA (“the Respondent”)**

**Tribunal Members:**

**Ms H Forbes (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 should be granted in favour of the Applicant in the sum of £650 with interest thereon at the rate of 3% above the Bank of England base rate.**

**Background**

1. This is an application received in the period between 1<sup>st</sup> July and 2<sup>nd</sup> August 2021, made in terms of Rule 111 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 as amended (“the Rules”) seeking an order for payment in the sum of £1750 with interest thereon. The Applicant’s representative included with the application a copy of the tenancy agreement between the parties, which tenancy commenced on 13<sup>th</sup> November 2019 at a monthly rent of £450, Notice to Leave, intimation email, section 11 notice, pre-action requirement letters and rent schedule.
2. Notification of the application and a Case Management Discussion set down for 22<sup>nd</sup> September 2021 was served upon the Respondent by Sheriff Officers on 24<sup>th</sup> August 2021.

## **Case Management Discussion**

3. A Case Management Discussion (“CMD”) took place by telephone conference on 22<sup>nd</sup> September 2021. The Applicant was not in attendance and was represented by Ms Euphemia Matheson, Solicitor. The Respondent was not in attendance.
4. The Tribunal considered the terms of Rule 29. The Tribunal determined that the Respondent had been given reasonable notice of the time and date of the CMD and that the requirements of Rule 17(2) had been satisfied and it was appropriate to proceed with the application in the absence of the Respondent.
5. Ms Matheson moved the Tribunal to reduce the sum sought to £650, as two recent payments in the sum of £1000 each had been made towards the arrears, and thereafter to grant the order. An updated rent schedule was provided to the Tribunal.

## **Findings in Fact and Law**

6.
  - i. Parties entered into a private residential tenancy agreement in respect of the Property that commenced on 13<sup>th</sup> November 2019 at a monthly rent of £450.
  - ii. Rent lawfully due in terms of the tenancy was not paid by the Respondent.
  - iii. The Applicant is entitled to recover rent lawfully due.

## **Reasons for Decision**

7. Rent lawfully due in terms of the tenancy agreement between the parties remains outstanding. The Applicant is entitled to recover rent lawfully due.

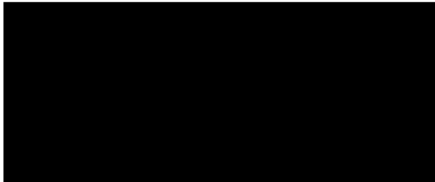
## **Decision**

8. An order for payment is granted in favour of the Applicant in the sum of £650 with interest thereon at the rate of 3% per annum above the Bank of England base rate running from the date of the decision to grant the order 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.**



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**Legal Member/Chair**

**22<sup>nd</sup> September 2021**  
**Date**