



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

Chamber Ref: FTS/HPC/CV/21/1845

Re: Property at Earnhill Farmhouse, Kincorth Estate, Forres, IV36 2SP (“the Property”)

Parties:

Linkwood Farms, Barmuckity House, Barmuckity, Elgin, IV30 8QW (“the Applicant”)

Miss Adella Young, Earnhill Farmhouse, Kincorth Estate, Forres, IV36 2SP (“the Respondent”)

Tribunal Members:

Virgil Crawford (Legal Member) and Elizabeth Currie (Ordinary Member)

Decision (in absence of the Respondent)

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

BACKGROUND

1. By Lease dated 21 December 2018 the Applicant let the Property to the Respondent;
2. The rent payable was £650.00 per calendar month, payable in advance;
3. The Respondent fell into arrears of rent. On 3 August 2021 the Applicants presented an application to the Tribunal seeking an Order for payment of rent arrears which, at that time, amounted to £1,251.71;

4. A Case Management Discussion was assigned for 26 November 2021. At that Case Management Discussion the Tribunal was advised that the arrears had increased to an amount of £2,007.79. For reasons which are not directly relevant for the purposes of this Decision, the Case Management Discussion was continued until 28 January 2022 at 10am;
5. A Case Management Discussion Note was prepared and issued to the Parties. That Case Management Discussion Note made it clear that the rent arrears had increased and there had been an application to the Tribunal to amend the amount to £2,007.79. The Respondent, accordingly, had previously received written intimation of that Application on behalf of the Applicants;
6. A further Case Management Discussion was assigned for 28 January 2022 at 10am. The arrears at that stage amounted to £1,782.71;

CASE MANAGEMENT DISCUSSION

7. The Applicant was represented at the Case Management Discussion by Miss R Garner of Cluny Estate Agents. Mr Ian Robertson and Mr Euan Robertson, partners of the firm of Linkwood Farms, the Applicant, also attended the Case Management Discussion by teleconference;
8. The Respondent did not participate in the Case Management Discussion. The Respondent had, however, received intimation of the Case Management Discussion on 26 November 2021, had received the Case Management Discussion note following that Case Management Discussion and had received intimation from the Tribunal of the Case Management Discussion assigned for 28 January 2022. In the circumstances the Tribunal was satisfied, in terms of Rule 24 of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 that the Respondent had received intimation of the date and time of the Case Management Discussion and considered that it was appropriate to proceed with the Case Management Discussion in the absence of the Respondent in accordance with Rule 29 of said Rules;
9. Miss Garner advised the Tribunal that a further amendment to the level of the arrears was sought. The amendment was, in fact, to reduce the amount due from the previous occasion to an amount of £1,782.71. On the basis that this was a lesser amount than had previously been intimated to the Respondent the Tribunal considered that there was no prejudice to the Respondent in the amount being reduced and, accordingly, allowed the amount claimed to be amended in that regard;

FINDINGS IN FACT

10. The Tribunal found the following facts to be established:-

- a) By Lease dated 21 December 2018 the Applicant let the Property to the Respondents;
- b) The rent was £650.00 per calendar month, payable monthly and in advance;
- c) As at 28 January 2022 the Respondent was in arrears of rent in the amount of £1,782.71. That amount is due, resting and owing to the Applicant.

DECISION

The Tribunal granted an Order for payment of THE SUM OF ONE THOUSAND SEVEN HUNDRED AND EIGHTY TWO POUNDS AND SEVENTY ONE PENCE (£1,782.71) STERLING by the Respondent to the Applicant;

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.

Virgil Crawford

28 January 2022

Legal Member/Chair

Date