

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**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 (“The Act”)**

**Chamber Ref: FTS/HPC/CV/22/0372**

**Re: Property at 66 DEN CRESCENT, KEITH, AB55 5JZ (“the Property”)**

**Parties:**

**MR RUSSELL NORGATE, 166 FARGO ROAD, SALISBURY, WILTSHIRE, SP4 8LL (“the Applicant”)**

**MR BARRY NEWLANDS, 66 DEN CRESCENT, KEITH, AB55 5JZ (“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”) granted the Application and made a Payment Order in favour of the Applicant against the Respondent in the sum of £2,600.00 with interest running on that sum at the rate of three per cent from today’s date until payment.**

**Background**

The Applicant seeks a Payment Order against the Respondent for sums said to be lawfully due by the Respondent to the Applicant as rent under a tenancy between the parties. The Application is accompanied by a copy of the tenancy agreement and a rent statement. Prior to the Application calling for a Case Management Discussion, the Applicant had competently applied to amend the sum claimed to the amount of £2,600.00.

## **The Case Management Discussion**

The Application called for a Case Management Discussion (CMD) by conference call at 2pm on 4 May 2022. The Applicant was represented by Mr Runciman of Gilson Gray Solicitors. There was no appearance by or on behalf of the Respondent. Sheriff Officers had competently served the Application and information about how to join the conference call on the Respondent on 15 March 2022. The Tribunal therefore decided to proceed in the Respondent's absence as per Rule 29. Having heard from Mr Runciman and having considered the Application, the Tribunal made the following findings in fact.

### **Findings in Fact**

- I. The parties entered into a tenancy agreement in respect of the Property which commenced on 6 October 2018;*
- II. The Applicant was the landlord and the Respondent was the tenant;*
- III. The contractual monthly rent due was £400.00;*
- IV. The Respondent fell into rent arrears;*
- V. At today's date the sum of £2,600 is lawfully due as rent by the Respondent to the Applicant but remains unpaid.*

### **Reasons for Decision**

Having made the above findings in fact, the Tribunal decided to grant the Application and made a Payment Order in favour of the Applicant against the Respondent in the sum of £2,600.00 with interest running on that sum at the rate of three per cent 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

04/05/2022

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Legal Member/Chair

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Date