



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/22/2444

Re: Property at 27 Herries Court, Heathhall, Dumfries, DG1 3TL (“the Property”)

Parties:

Calmac Developments Ltd, Nether Brookfield, Craigs Road, Dumfries, DG1 4UT (“the Applicant”)

Mr Alex Chisholm, UNKNOWN, UNKNOWN (“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 £5080.

Background

1. By application received between 21st July and 17th October 2022 and made under Rule 111 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, as amended (“the Rules”), the Applicant applied for an order for payment in the sum of £5080 in respect of unpaid rent. The Applicant lodged a private residential tenancy agreement between the parties which commenced on 21st March 2021, a rent statement, and an application for Service by Advertisement.
2. Notification of the application and the forthcoming Case Management Discussion upon the Respondent was carried out in an advertisement which appeared on the Service by Advertisement page of the website of the First-tier Tribunal for Scotland Housing and Property Chamber from 20th February until 5th April 2023.

The Case Management Discussion

3. A Case Management Discussion (“CMD”) took place by telephone conference on 5th April 2023. Neither party was in attendance. The Applicant was

represented by Mr Andrew Maxwell, Solicitor.

4. The Tribunal considered the terms of Rule 29. The Tribunal determined 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. Mr Maxwell moved the Tribunal to grant an order in the sum sought. The tenancy commenced on 21st March 2021. The Property was abandoned in July 2022. The Respondent accrued rent arrears in the sum of £5080 during the tenancy.

Findings in Fact and Law

6.
 - (i) Parties entered into a private residential tenancy that commenced on 21st March 2021 and ended in August 2022, with rent due in the sum of £410 per month.
 - (ii) Rent lawfully due in terms of the tenancy agreement has not been paid by the Respondent.
 - (iii) The Applicant is entitled to recover rent lawfully due.

Reasons for Decision

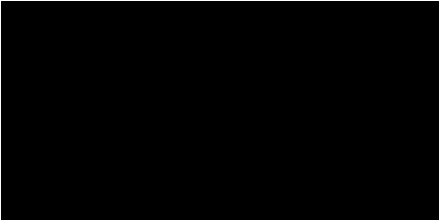
7. The Respondent has failed to make payment of rent lawfully due. The Applicant is entitled to recover rent lawfully due in terms of the tenancy agreement between the parties.

Decision

8. An order for payment is granted in favour of the Applicant in the sum of £5080.

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.



5th April 2023