



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/22/3148

Re: Property at 6 Drumhar Court, Perth, PH1 5SG (“the Property”)

Parties:

Dame Ann Heron Gloag, Beaufort Castle, Beaufort, Beauly, Inverness-shire, IV4 7BB (“the Applicant”)

Mr Graham Thomson, 6 Drumhar Court, Perth, PH1 5SG (“the Respondent”)

Tribunal Members:

Ms H Forbes (Legal Member) and Ms S Brydon (Ordinary 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 £10,020.

Background

1. By application received 31st August 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 £10,020 in respect of unpaid rent. The Applicant’s representative lodged a rent statement, and a private residential tenancy agreement commencing on 4th August 2020.
2. Notification of the application and the forthcoming CMD was made upon the Respondent by Sheriff Officer on 11th November 2022.
3. By email dated 12th December 2022, the Applicant’s representative lodged an application to amend the sum sought to £11,960.

The Case Management Discussion

4. A CMD took place by telephone conference on 13th December 2022. Neither party was in attendance. The Applicant was represented by Mr Alexander Robertson, Solicitor.

5. 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
6. Mr Robertson said there had been no recent contact from the Respondent. The Applicant was insisting upon a payment order for unpaid rent as set out in the rent statement. Following discussion regarding Rule 14A, which requires any application to amend to be made no later than 14 days before the hearing, Mr Robertson moved for an order in the original sum sought.

Findings in Fact and Law

7.
 - (i) Parties entered into a private residential tenancy that commenced on 4th August 2020, with rent due in the sum of £485 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

8. 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

9. An order for payment is granted in favour of the Applicant in the sum of £10,020.

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.

Helen Forbes

Legal Member/Chair

13th December 2022
Date