



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the Housing (Scotland) Act 2014

Chamber Ref: FTS/HPC/CV/20/1781

Re: Property at 118A High Street, Montrose, DD10 8JE (“the Property”)

Parties:

Fasque House Properties Limited, Fasque House Estate, Fettercairn, Laurencekirk, AB30 1DN (“the Applicant”)

Mr Malcolm Milne, 118A High Street, Montrose, DD10 8JE (“the Respondent”)

Tribunal Members:

Mary-Claire Kelly (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to grant an order for payment in the sum of FOUR THOUSAND NINE HUNDRED AND FORTY POUNDS (£4940.00)

Background

1. By application dated 21st August 2020 the applicant sought an order for payment in respect of rent arrears.
2. The Tribunal had before it the following documents:
 - Copy tenancy agreement
 - Copy rent statement
 - Form AT5
 - Extracts from the Land Register confirming title to the property
 - Letter from Dick Watson Construction Ltd dated 2nd October 2020 authorising the applicant to act on its behalf

Case Management Discussion (“cmd”)

3. A cmd took place by teleconference on 12th October 2020. The applicant was represented by Ms Mullen from TC Young solicitors. The respondent was not

present or represented. The Tribunal was satisfied that the respondent had been given reasonable notice of the cmd and proceeded with the cmd in his absence in terms of rule 29.

4. Ms Mullen referred to the rent account. The rent due in terms of the tenancy agreement was £500 per month. The respondent had fallen into arrears in April 2016 and these had significantly increased in the period from July 2017 to February 2019 when the outstanding amount had increased to £4940.
5. Ms Mullen referred to extracts from the Land Register which had been lodged showing ownership of the property. Prior to 28th February 2019 the property had been owned by Dick Watson Construction Ltd. The applicant had signed the lease document as agents for Dick Watson Construction Ltd. A letter from Dick Watson Construction Ltd had been lodged which confirmed the relationship.
6. The property had been sold by Dick Watson Construction Ltd on 28th February 2019. The respondent continued to reside in the property following the sale. The applicant sought repayment of the arrears during the period when it was landlord.

Findings in Fact

7. Parties entered into a lease agreement with a commencement date of 1st July 2015.
8. The applicant acted as agent for the previous heritable proprietor of the property Dick Watson Construction Ltd.
9. The applicant was authorised to enter into a tenancy agreement and to deal with all matters relating to the lease as agent of the heritable proprietor.
10. Monthly rent due in terms of the lease was £500.
11. Rent arrears amounted to £4940 at 28th February 2019.
12. The property was sold to new owners on 28th February 2019.

Reasons for decision

13. The Tribunal took into account the application, the documents lodged and the submissions of the applicant's representative. The respondent did not attend the cmd or lodge any written representations opposing the application. The Tribunal was satisfied on the basis of the information before it that the amount sought was due and granted the order accordingly.

Decision

14. The Tribunal determined to grant an order for payment in the sum of £4940.

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.

Mary-Claire Kelly

Legal Member/Chair

12th October 2020 _____
Date