



**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/21/2141**

**Re: Property at Townhead of Greenock, Muirkirk, Cumnock, KA18 3NH (“the  
Property”)**

**Parties:**

**Mr Richard Tufnell, Witney house, Whitney lane, Leafield, Witney, OX29 9PG  
 (“the Applicant”)**

**Mr Robert Clark, Townhead of Greenock, Muirkirk, Cumnock, KA18 3NH (“the  
Respondent”)**

**Tribunal Members:**

**Ms H Forbes (Legal Member) and Mrs E Williams (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 the sum  
of £5850.**

1. This is an application received in the period from 3<sup>rd</sup> September to 15<sup>th</sup> November 2021, made in terms of Rule 70 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 as amended (“the Rules”) seeking an order for payment in respect of rent arrears. The Applicant’s representative included with the application a copy of the short assured tenancy agreement between the parties, which tenancy commenced on 7<sup>th</sup> October 2016 at a monthly rent of £450, and a rent statement.
2. Notification of the application and intimation of a Case Management Discussion set down for 27<sup>th</sup> January 2022 was served upon the Respondent by Sheriff Officer on 22<sup>nd</sup> December 2021.

**Case Management Discussion**

3. A Case Management Discussion (“CMD”) took place by telephone conference on 27<sup>th</sup> January 2022. The Applicant was not in attendance and was

represented by Ms Marjorie Douglas of CKD Galbraith LLP. The Respondent was not in attendance.

4. The Tribunal considered the terms of Rule 17. The Tribunal determined that the Respondent had been given reasonable notice of the time and date of the CMD and 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. Ms Douglas said the Applicant was seeking an order for payment. The Respondent has paid no rent since August 2020 and the arrears are now £7650. There has been no recent contact from the Respondent.
6. The Tribunal decided to grant an order for payment in the sum of £5850, which was the sum outstanding at the time of lodging the application

### **Findings in Fact and Law**

7.
  - i. Parties entered into a short assured tenancy agreement in respect of the Property that commenced on 7<sup>th</sup> October 2016 at a monthly rent of £450.
  - ii. Rent lawfully due in terms of the tenancy was not paid by the Respondent.
  - iii. The Applicant is entitled to recover rent lawfully due.

### **Reasons for Decision**

8. Rent lawfully due in terms of the tenancy agreement between the parties remains outstanding. The Applicant is entitled to recover rent lawfully due.

### **Decision**

9. An order for payment is granted in favour of the Applicant in the sum of £5850.

### **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.

**H. F**

—  
Legal Member/Chair —

27<sup>th</sup> January 2022  
Date