



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/22/0925

Re: Property at 8A Argyll Square, Oban, Argyll, PA34 4AZ (“the Property”)

Parties:

John Jeremy Inglis, Oak Farm, Wembworthy, Chulmleigh, Devon, EX18 7SN (“the Applicant”)

Mr Michael Campbell, 8A Argyll Square, Oban, Argyll, PA34 4AZ (“the Respondent”)

Tribunal Members:

Rory Cowan (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that a Payment Order in the sum of £4,400 should be issued.

- Background

By application dated 31 March 2022, the Applicant seeks a Payment Order against the Respondent in the sum of £4,400 (the Application). With the Application there were lodged various supporting documents including the following:

- 1) Copy Lease;
- 2) Copy Rent statement;
- 3) Letter of authority for a Jamie Inglis to act for the Applicant;
- 4) A power of attorney granted in favour of Jamie Inglis by the Applicant; and
- 5) Copy bank statements.

Following acceptance of the Application, a Case Management Discussion (CMD) was fixed for 13 September 2022 to be heard by way of conference call. In advance of the CMD, the Applicant, through his representative, sent an email dated 23 August

2022 to advise the Respondent had vacated the Property and to advise of increased arrears.

- The Case Management Discussion

The Applicant was represented by his son Jamie Inglis who had his wife Emma Inglis in support (although she played no part in proceedings). There was no appearance by or on behalf of the Respondent. Notwithstanding, the Tribunal was satisfied that he was aware of the date of the CMD, that the matter could be dealt with in his absence if he did not attend and the procedure had been fair. Service of the Application had been carried out by Sheriff Officers on 29 July 2022 and the Tribunal decided that the CMD could proceed in his absence.

The Applicant's representative indicated that, despite the terms of the Application, the arrears owed by the Respondent now amounted to £6,900. No fresh rent statement had been lodged with the email on 23 August 2022, and no application to amend the sum sued for in terms of Rule 14A was made in that email, nor was any such an application intimated to the Respondent.

After a brief discussion, the Applicant's representative declined to seek to amend the sum sued for and that he was content to seek a Payment Order in the sum of £4,400 which is the sum detailed in the Application and due by the Respondent up and until 31 March 2022.

- Findings in Fact and Law

- 1) The Applicant and Respondent entered into a tenancy agreement relative to the Property which commenced on 15 February 2019.
- 2) In terms of the tenancy agreement between the Applicant and the Respondent the rent payable was £500.00 per month.
- 3) As at 31 March 2022, the Respondent was in rent arrears to the extent of £4,400.
- 4) The Applicant is entitled to a Payment Order in the sum of £4,400.

- Reasons for Decision

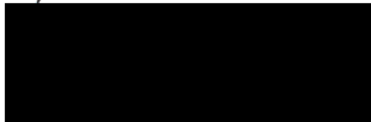
The Respondent having failed to pay the rent due under the tenancy for the Property and having accrued arrears of rent up and until 31 March 2022 in the sum of £4,400, the Applicant is entitled to a Payment Order in that sum.

- Decision

A Payment Order in the sum of £4,400 should be issued in favour of the Applicant against the Respondent.

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.



**Rory Cowan
Legal Member/Chair**

**13 September 2022
Date**