



**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/22/2904

**Re: Property at Flat 7 Distillery Apartments, Tweeddale Street, Oban, PA34 5EL
("the Property")**

Parties:

**Tweedale Property Company Limited, incorporated under the Companies
Acts in Scotland (SC491905), and having their registered office at 8A Baliscate
Industrial Estate, Tobermory, Isle of Mull ("the Applicant")**

**Mr Paul Milligan, sometime Flat 7 Distillery Apartments, Tweeddale Street.
Oban PA34 5EL, whose present whereabouts are unknown ("the Respondent")**

Tribunal Members:

George Clark (Legal Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the
Tribunal") determined that the application should be decided without a
Hearing and made an Order for Payment by the Respondent to the Applicant of
the sum of £3,705.**

Background

By application dated 16 August 2022, the Applicant sought an Order for Payment in respect of unpaid rent that had become lawfully due by the Respondent to the Applicant. The sum sought was £3,359.52.

The application was accompanied by a copy of a Private Rented Tenancy Agreement between the Parties commencing on 3 August 2020 at a monthly rent of £585, and a Rent Statement showing arrears as at 1 August 2022 of £3,359.52.

On 4 September 2022, the Applicant's agents, West Property, Oban, advised the Tribunal that the Respondent had vacated the Property.

On 20 December 2022, the Tribunal advised the Parties of the date and time of a Case Management Discussion, and the Respondent was invited to make written representations by 10 January 2023. As the present whereabouts of the Respondent are unknown, service was effected by means of advertisement on the Tribunal website from 20 December 2022 until 20 February 2023. The Respondent did not make any written representations to the Tribunal.

On 19 January 2023, the Applicant's agents advised the Tribunal that the Respondent had vacated the Property on 1 September 2022 and they provided an updated Rent Statement showing arrears at £3,705. They wished the amount sought to be increased to that sum.

Case Management Discussion

A Case Management Discussion was held by means of a telephone conference call on the afternoon of 20 February 2023. The Applicant was represented by Miss Jacqui Richardson of West Property, Oban. The Respondent was not present or represented. The Applicant's representative confirmed that the amended sum sought, namely £3,705, remained unpaid.

Reasons for Decision

Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 provides that the Tribunal may do anything at a Case Management Discussion which it may do at a Hearing, including making a Decision. The Tribunal was satisfied that it had before it all the information and documentation it required to enable it to decide the application without a Hearing.

The Tribunal decided that the amended sum sought had become lawfully due by the Respondent to the Applicant.

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.

George Clark

Legal Member/Chair

20 February 2023
Date

