



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber) under Section 70 of the Private Housing  
(Tenancies) (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/CV/23/4541**

**Re: Property at No.1 Tillyfour Cottage, Tough, Alford, Aberdeenshire, AB33 8DX  
("the Property")**

**Parties:**

**Mr David MacRae, Tillyfour Bungalow, Tough, Alford, Aberdeenshire, AB33 8DX  
("the Applicant")**

**Mr Charles Jawahar-Lal-Saksena, No.1 Tillyfour Cottage, Tough, Alford,  
Aberdeenshire, AB33 8DX ("the Respondent")**

**Tribunal Members:**

**Alison Kelly (Legal Member) and Mary Lyden (Ordinary Member)**

1. On 18<sup>th</sup> December 2023 the Applicant lodged an Application with the Tribunal under Rule 109 of the First Tier Tribunal for Scotland (Housing and Property Chamber Rules of Procedure) 2017 ("The Rules"), seeking an order for payment.
2. Lodged with the application were: -
  - i. Copy Private Residential Tenancy Agreement showing a commencement date of 1<sup>st</sup> February 2018 and a rent of £525 per month;
  - ii. Rent Statement from February 2018 to November 2023;
  - iii. Copy Disposition
  - iv. Copy documentation from Registers of Scotland dated 4<sup>th</sup> November 2023 confirming application to register disposition;
  - v. Letter dated 1<sup>st</sup> November 2023 from Shepherd & Wedderburn to the Respondent confirming the change of landlord;
3. The Application was served on the Respondent by Sheriff Officers on 4<sup>th</sup> March 2023.
4. On 22<sup>nd</sup> March 2023 the Respondent sent an email to the Tribunal attaching some emails on which the original landlord agreed to a reduction in the rent and

a backdating of the reduction, and asking for an extension of time to lodge bank statements. He also said that he had poor signal strength on his phone.

5. On 21<sup>st</sup> March 2023 the Applicant's solicitor sent an email lodging fresh Inventory of Productions containing a new rent statement with the rent reduction and backdating included.
6. On 28<sup>th</sup> March 2023 the Tribunal emailed the Respondent advising him he had a further seven days to lodge documents and that he would need to make arrangements to join the conference call.
7. On 2<sup>nd</sup> April 2024 the Respondent sent an email to the Tribunal saying that he was disabled and expected reasonable adjustments to be made. He did not say what disabilities he had or what reasonable adjustments he required.

### **Case Management Discussion**

1. The Case Management Discussion ("CMD") took place by teleconference. The Applicant was represented by Mr Doran of Raeburn, Christie, Clark & Wallace, Solicitors. There was no attendance by the Respondent or any representative on his behalf.
2. The Tribunal were satisfied that the Respondent had received sufficient notice of the CMD and the manner in which it would be held, and decided to proceed in his absence.
3. The Chairperson explained the purposes of a CMD in terms of Rule 17 of the Rules.
4. Mr Doran sought an order for payment. He said that, having recalculated in accordance with the email provided by the Respondent showing that the rent reduction was to be backdated, and taking in to account a payment made by the Respondent on 1<sup>st</sup> April 2024 of £425, the current arrears stood at £18378.44.
5. Mr Doran moved for interest at the rate of four per centum per annum, as per Clause 5 of the PRT to be awarded from the date of the order until payment.

### **Findings in Fact**

- a. The Respondent entered into a Private Residential Tenancy Agreement with the previous landlord in respect of the property;
- b. The tenancy commenced on 1<sup>st</sup> February 2018;
- c. The Applicant purchased the property from the previous landlord on and the tenancy was assigned to him;

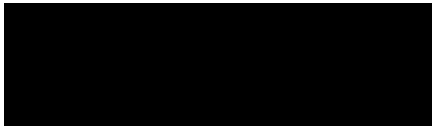
- d. The Applicant's solicitor wrote to the Respondent on 1<sup>st</sup> November 2023 advising him of the change of landlord;
- e. The Application was served on the Respondent by Sheriff Officer on 4<sup>th</sup> March 2024;
- f. On the date of the CMD rent owed by the Respondent was £18378.44.

### **Reasons for Decision**

- 6. The Respondent owes rent to the Applicant as at in the amount of £18378.44 and interest is provided for in the PRT.

### **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.**



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**Legal Member/Chair**

**8<sup>th</sup> March 2024**

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**Date**