



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber) under Section 70(1) of the Private Housing  
(Tenancies) (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/CV/24/0986**

**Re: Property at 36B Ogilvy Place, Arbroath, DD11 4DF (“the Property”)**

**Parties:**

**Jennifer Anne Warden, Farmhouse, North Mains of Dun, Montrose, DD10 9LW  
 (“the Applicant”)**

**Mr Kris Buick, 36B Ogilvy Place, Arbroath, DD11 4DF (“the Respondent”)**

**Tribunal Members:**

**Ruth O'Hare (Legal Member) and Ann Moore (Ordinary Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
Tribunal”) determined to make an order in the sum of Six thousand one  
hundred and fifty pounds (£6150) Sterling**

**Background**

- 1 By application to the Tribunal the Applicant sought a payment order against the Respondent in respect of unpaid rent arrears. In support of the application the Applicant provided a copy of the tenancy agreement between the parties and a rent statement.
- 2 By Notice of Acceptance of Application the Legal Member with delegated powers of the Chamber President intimated that there were no grounds on which to reject the application. The application was therefore referred to a Case Management Discussion, to take place by teleconference. A copy of the application paperwork together with notification of the date and time of the Case Management Discussion and instructions on how to join the teleconference was intimated to the Respondent by Sheriff Officers.

- 3 On 1 July 2024 the Applicant's representative emailed the Tribunal with an updated rent statement confirming that the sum due to the Applicant was £5,700. The Applicant sought to amend the sum claimed on that basis, with leave to amend further to increase the sum to £6150 in the event that the rent due on 10<sup>th</sup> July went unpaid. The Applicant's request for amendment was intimated upon the Respondent by email.
- 4 No written representations were received from the Respondent.

### **Case Management Discussion**

- 5 The Applicant was represented at the Case Management Discussion by Mr David Gray. The Respondent was not in attendance. The Tribunal noted that he had been served with the application paperwork, which included the date and time of the Case Management Discussion together with instructions for joining the teleconference. The Tribunal therefore determined to proceed in his absence. Mr Gray confirmed that the Applicant sought a payment order in the sum of £6150.

### **Findings in Fact**

- 6 The parties entered into a Private Residential Tenancy Agreement which commenced on 10 July 2022.
- 7 In terms of Clause 7 of the said Tenancy Agreement the Respondent undertook to make payment of rent at the rate of £450 per calendar month.
- 8 The last payment to the rent account by the Respondent was £650 on 22 August 2023.
- 9 As 10 July 2024 arrears in the sum of £6150 have accrued on the rent account.

### **Reasons for Decision**

- 10 The Tribunal was satisfied that it had sufficient information upon which to make a decision at the Case Management Discussion and that it would not be prejudicial to the parties to do so, having considered the application paperwork, the additional written representations from the Applicant and the submissions at the Case Management Discussion. The Respondent had been given the opportunity to make written representations, and to attend the Case Management Discussion, but had failed to do so. The Tribunal was therefore satisfied that it could make a decision in his absence.
- 11 Based on its findings in fact the Tribunal was satisfied that the Respondent was liable to pay the sum of £6150 to the Applicant under the terms of the

tenancy agreement between the parties. There was nothing before the Tribunal to contradict the position put forward by the Applicant in this regard.

- 12 The Tribunal therefore made an order for payment in the sum of £6150. The decision of the Tribunal was unanimous.

### **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.**

# Ruth O'Hare

19 July 2024

Legal Member/Chair

Date