

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

---



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber)**

**Chamber Ref: FTS/HPC/CV/19/3016**

**Re: Property at 2 Blacketless Cottages, Annan, DG12 5PB (“the Property”)**

**Parties:**

**G & F Birkeck’s Children’s Trust, Hoddom and Kinmount Estates, Estate Office, Hoddom, Lockerbie, DG11 1BE (“the Applicant”)**

**Mr Andrew McNeill, 2 Blacketless Cottages, Annan, DG12 5PB (“the Respondent”)**

**Tribunal Members:**

**Paul Doyle (Legal 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 made.**

**Background**

The Applicant sought an order for payment of rental arrears totalling £1,909.98. The Applicant had lodged with the Tribunal Form F. A Tenancy Agreement and a rental statement were produced to support the application. A copy title sheet was lodged with the Tribunal which showed that Applicant is the heritable proprietor of the Property.

**Case Management Discussion**

A case management discussion took place before the Tribunal at 2.00pm on 28 November 2019 at Lochvale House, Georgetown Road, Dumfries, DG1 4DF. The Applicant was represented by Emma Kerr of Davidson and Robertson. There was no appearance by or on behalf of the Respondent.

## **Findings in Fact**

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent entered into a Tenancy Agreement for the Property dated 11 June 2018 which created a Private Residential Tenancy commencing on 15 June 2018.
2. The initial rent in terms of the Tenancy Agreement was £435 per month.
3. Between 15 May 2019 and 20 September 2019 the Respondent only made payments totalling £700.02 to the rental due. The rental due over that same period was £2175.00, so that by 20 September 2019 the respondent's rental account was 1,909.98 in arrears.
4. Between 20 September 2019 and today's date the Respondent has only made partial payments of the monthly rental so that an additional £723.19 of arrears of rental has accrued since the date of application. At today's date there are arrears of rental totalling £2,633.17.
5. Notice of the date of this hearing was served on the Respondent by sheriff officers on 29 October 2019. The Respondent was invited to submit representations but chose neither to appear, nor to be represented, nor to submit written representations. The Respondent offers no resistance to the application for a payment order.

## **Reasons for the Decision**

The Tribunal determined to make an Order for payment of £1909.98. Rent was lawfully due in terms of clause 6 of the Tenancy Agreement at the rate of £435 per month. Between 15 May 2019 and 20/09/2019 the Respondent only paid £700.02 towards a total rent due of £2,175, so that arrears of rental totalling £1,909.98 accrued. Between 20 September 2019 and today's date the Respondent has only made partial payments of the monthly rental so that an additional £723.19 of arrears of rental has accrued since the date of application. At today's date there are arrears of rental totalling £2,633.17.

## **Decision**

For the foregoing reasons, the Tribunal determined to make an Order for payment.

## **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.**

Paul Doyle

**Legal Member**

**Date 28 November 2019**