



**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/19/3040**

**Re: Property at Flat 5, Naver House, Naver Road, Thurso, KW14 7QA (“the Property”)**

**Parties:**

**Braemara Ltd, Scarfiskerry, Thurso, KW14 8XW (“the Applicant”)**

**Mr David Paterson, Aragon House, Weydale, Thurso, KW14 8YN (“the Respondent”)**

**Tribunal Members:**

**Nicola Irvine (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted an order for payment against the Respondent in the sum of £2,070.**

**Background**

The Applicant submitted an application seeking an order for payment in respect of arrears of rent relating to the Respondent’s tenancy of the property at Flat 5, Naver House, Naver Road, Thurso, KW14 7QA. The Tribunal issued a letter to both parties dated 17<sup>th</sup> December 2019, advising them of the date and time of today’s case management discussion. Both parties were advised that the discussion would take place by conference call and parties were given details to allow them to call the Tribunal. In that letter, the parties were also informed that the Tribunal could make a decision today on the application if the Tribunal has sufficient information and considers the procedure to have been fair. The Respondent was invited to make written representations by 7<sup>th</sup> January 2020. No written representations were received from the Respondent. The letter issued to the Respondent was served by

sheriff officers. The Respondent apparently advised sheriff officers that the rent arrears are less than as stated by the Applicant, but he did not provide any further information.

### **The Case Management Discussion**

The Applicant was represented by Mr Peter Body. He advised that the arrears amount to £2,070. He advised that the Respondent has not made any contact to arrange to repay the arrears of rent since his departure from the property in October 2019. The Tribunal advised that the Respondent apparently disputed the level of arrears. The Applicant's representative advised the basis upon which the rent arrears have been calculated and that is set out in the rent statement already produced. The Applicant sought an order for payment in the sum of £2,070.

### **Findings in Fact**

1. The Respondent entered into a Tenancy Agreement in respect of the property dated 16<sup>th</sup> August 2017.
2. The rent payable was £440 per month, payable in advance.
3. The Respondent has accrued rent arrears of £2,070 as at 1<sup>st</sup> October 2019.
4. The Applicant is entitled to the Order sought for payment in the sum of £2,070 in respect of rent arrears.

### **Reason for Decision**

The Applicant has produced documentation which shows that the rent arrears amounted to £2,070 at 31<sup>st</sup> October 2019. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the case management discussion. The Tribunal was satisfied that rent arrears are due by the Respondent and therefore granted the 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.**

N. Irvine

Legal Member/Chair

20<sup>th</sup> January 2020

Date