



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

Chamber Ref: FTS/HPC/CV/22/1650

Re: Property at 3c Allars Crescent, Hawick, TD9 9ET (“the Property”)

Parties:

Christopher Boyd, residing at Blakefield Lodge, Portlaoise, Ireland, R32 N159 (“the Applicant”)

Eugen Borcea, residing at 3G Drumlanrig Square, Hawick, TD9 0AS (“the Respondent”)

Tribunal Members:

Paul Doyle (Legal Member)

Decision (in absence of the Respondents)

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 £945.00. The Applicant had lodged with the Tribunal Form F. The documents produced were a Tenancy Agreement and a calculation of arrears of rental. A copy title sheet was lodged with the Tribunal which showed that the applicant is the heritable proprietor of the Property.

Case Management Discussion

A case management discussion took place by telephone conference at 2.00pm on 17 November 2022. Ms J Grierson (of Catford Investments Ltd) represented the applicant. There was no appearance by or on behalf of the Respondent. The application and details of this case management discussion were served on the respondent by Sheriff Officers on 10/10/2022.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant is heritable proprietor of the dwelling house at 3c Allars Crescent, Hawick, TD9 9ET (“the property”). The Applicant and the Respondent entered into a Tenancy Agreement for the Property dated 29 November 2021.
2. The initial rent in terms of the Tenancy Agreement was £325.00 per month. The respondent paid the first month’s rent and £175.00 towards the deposit, but made no further payments towards rental. The arrears of rent steadily increased until the respondent terminated the lease and vacated the property on 28/04/2022.
3. At the date of application, there were arrears of rental totalling £945.00. At today’s date there are still arrears of rental totalling £945.00.
4. The applicant has asked the respondent to pay the arrears of rent. The respondent has not made any payment.
5. Notice of the date, time, and method of joining this hearing was served on the Respondent by sheriff officers on 10/10/2022.

Reasons for the Decision

The Tribunal determined to make an Order for payment of £945.00. Rent was lawfully due in terms of clause 8 of the Tenancy Agreement at the rate of £325.00 per month. The Respondent has been in arrears of rental since January 2022. At today’s date there are still arrears of rental totalling £945.00.

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.

Where such an appeal is made, the effect of the decision and of any order is suspended until the appeal is abandoned or finally determined by the Upper Tribunal, and where the appeal is abandoned or finally determined by upholding the decision, the decision and any order will be treated as having effect from the day on which the appeal is abandoned or so determined.

P Doyle

Paul Doyle

Legal Member

Date 17 November 2022