



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/CV/22/2115**

**Re: Property at 11 Bridgend Cottages, Inverkip, PA160AN (“the Property”)**

**Parties:**

**Sir Ludovic Shaw Stewart, Ardgowan House, Inverkip, PA160DW (“the Applicant”)**

**Mr Joseph Owens, 11 Bridgend Cottages, Inverkip, PA160AN (“the Respondent”)**

**Tribunal Members:**

**Richard Mill (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that that an order be granted against the Respondent for payment to the Applicant of the sum of Two Thousand Three Hundred and Fifty Pounds (£2,350)**

**Introduction**

This is an application under rule 111 and section 71 of the Private Housing (Tenancies) (Scotland) Act 2016.

Intimation of the application and of the Case Management Discussion (CMD) took place upon the respondent by Sheriff Officers on 17 August 2022.

The CMD took place by teleconference at 11.30 am on 29 September 2022. The applicant was represented by Mr Nicholas Wright and Ms Caroline McMillan, both of Messrs Stanley Wright Ltd. The respondent failed to participate in the hearing.

## Findings and Reasons

The property is 11 Bridgend Cottages, Inverkip PA16 0AN.

The applicant is Sir Ludovic Shaw Stewart. He is the heritable proprietor of the property and the registered landlord. The respondent is Mr Joseph Owens who is the tenant.

The parties entered into a private residential tenancy which commenced on 21 December 2021. The rent was stipulated at a rate of £470 per month. A deposit was paid in the sum of £705.

Throughout the duration of the tenancy the respondent has fallen into arrears of the contractual rental payments. The applicant's agent has made concerted efforts to engage with the respondent in order to agree an appropriate repayment plan. The respondent has made undertakings to pay the arrears together with the ongoing rent but has failed to adhere to these agreements.

The application is supported by a detailed account statement disclosing the sums of rent and other charges which have fallen due and the monies received. The tribunal found this documentary evidence credible and reliable and attached weight to it.

The amount sought in the application was £2,350 which was the sum outstanding as at 27 June 2022. Arrears are now £2,760, evidenced by a rent statement dated 21 September 2022. No amendment application has been made to increase the sum sought in the application.

The applicant is entitled to recover arrears of rent under and in terms of the lease. The respondent has not opposed the application and has made no time to pay application.

## **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.**

**R Mill**

**29 September 2022**

Legal Member/Chair

Date