



**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/21/1247

**Re: Property at 1 Mayfield Cottage, Dippen, Isle of Arran, KA27 8RN (“the
Property”)**

Parties:

Kenneth J Bone, Glenkiln, Lamlash, Isle of Arran, KA27 8NT (“the Applicant”)

**Mr Christopher Drew, formerly residing at 1 Mayfield Cottage, Dippen, Isle of
Arran, KA27 8RN and whose current whereabouts are unknown, Ms Karen
Hughton, formerly residing at 1 Mayfield Cottage, Dippen, Isle of Arran, KA27
8RN and now at Primrose Cottage, Lamlash, Isle of Arran, KA27 8JH (“the
Respondent(s)”)**

Tribunal Members:

Fiona Watson (Legal Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that an order is granted against the Respondent(s) for
payment of the sum of FIVE THOUSAND ONE HUNDRED AND FIFTY POUNDS
(£5,150) STERLING to the Applicant.**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) made a
time to pay direction under Section 1(1) of the Debtors (Scotland) Act 1987, in
the following terms:**

**The respondent is required to pay the sum of FIFTY POUNDS (£50) STERLING
per week until the full amount has been paid.**

- Background

1. An application dated 21 May 2021 was submitted to the Tribunal under Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”), seeking a payment order against the Respondent in relation to rent arrears accrued under a short assured tenancy agreement.

- The Case Management Discussion

2. A Case Management Discussion (“CMD”) took place on 2 September 2021 by tele-conference. The Applicant was personally present. There was no appearance by or on behalf of the Respondents. The application had been intimated on the First-Named Respondent by website advertisement between 29 July 2021 and 2 September 2021, following a failed Sheriff Officer service attempt. The application had been intimated on the Second-Named Respondent by Sheriff Officer on 5 July 2021. The Tribunal was accordingly satisfied that the Respondents had been duly notified of the date and time of the CMD and that the CMD could proceed in the Respondents’ absence.
3. The Applicant moved for the order for payment to be granted as sought. The parties had entered into a Short Assured Tenancy Agreement which commenced on 20 July 2016 and ended on 2 October 2019. The agreed monthly rent was £550. The Respondents had failed to make payment of rent and had fallen into arrears amounting to £5,150 at the end of the agreement. The Respondents had made a number of promises to pay the arrears, none of which were adhered to.
4. The First-Named Respondent emailed the Tribunal administration on 29 July 2021 to advise that he had had sight of the application via the Second-Named Respondent, that he had no current fixed address, and that he was agreeable to the payment plan proposed in the application. There had been no response to the application by the Second-Named Respondent.

- Findings in Fact

5. The Tribunal made the following findings in fact:

- (a) The parties entered into a Short Assured Tenancy Agreement (“the Agreement”) which commenced 20 July 2016;
- (b) In terms of Clause 3 of the Agreement, the Respondents were obliged to pay a monthly rent of £550 to the Applicant;
- (c) The Respondent had failed to make payment of rent as fell lawfully due, and had accrued arrears amounting to £5,150.

- Reasons for Decision

6. The Tribunal was satisfied that the Applicant was entitled to the sum as sought. The Respondents were obliged to make payment of rent in the sum of £550 per month under Clause 3 of the Agreement and had failed to do so. They had

accrued arrears amounting to £5,150 and which fell lawfully due to be repaid to the Applicant. The Tribunal was satisfied that the proposed instalments of £50 per week were reasonable.

- Decision

7. The First-tier Tribunal for Scotland (Housing and Property Chamber) granted an order against the Respondent(s) for payment of the undernoted sum to the Applicant(s):

Sum of FIVE THOUSAND ONE HUNDRED AND FIFTY POUNDS (£5,150)
STERLING

The First-tier Tribunal for Scotland (Housing and Property Chamber) made a time to pay direction under Section 1(1) of the Debtors (Scotland) Act 1987, in the following terms:

The Respondent is required to pay the sum of FIFTY POUNDS (£50) STERLING per week until the full amount has been paid. The first payment must be made no later than 14 days after intimation of the Order.

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.



Legal Member/Chair

Date: 2 September 2021