

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) under Section 16 of the Housing (Scotland) Act 2014

Chamber Ref: FTS/HPC/CV/18/0653

Re: Property at 1D Arranview Court, Ayr, KA8 9BB ("the Property")

Parties:

Kyle Estate Ltd, c/o 46 Dalblair Road, AYR, KA7 1UQ ("the Applicant")

Mr Aivers Sembins, 1D Arranview Court, Ayr, KA8 9BB ("the Respondent")

Tribunal Members:

Lesley Ward (Legal Member)

Decision in absence of the Respondent

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that the respondent Mr Aivers Sembins shall make payment to the applicant Kyle Estates Ltd the sum of four thousand pounds £4000 and accordingly makes an order for four thousand pounds.

This is an application in terms of Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, 'the Rules'. The application was made on behalf of Kyle Estates Ltd, landlords of the property at 1D Arranview Court Ayr KA8 9BB by Ms Lauren Fowler of Frazer Coogans Ltd on the 15 March 2018.

The tribunal had before it the following copy documents:

1. Application dated 15 March 2018 and received by the tribunal on 21 March 2018.
2. Copy tenancy agreement dated 19 January 2015.
3. Rent statement detailing rent arrears as at 19 February 2018.
4. Letters from Lomond Ayr to the respondent detailing rent arrears dated 7 March 2018, 8 December 2017, 27 October 2017, 12 September 2017 and 30 August 2017

Lesley Ward

The respondent did not attend the case management discussion. The tribunal had sight of the execution of service of today's hearing and all relevant papers on the respondent on 9 July 2018 by sheriff officer. The tribunal was satisfied that the requirements of Rule 24 have been complied with regard to notice of the hearing.

With reference to the rent account the tribunal noted that substantial arrears have accrued since 19 April 2017 Ms Fowler made submissions that since then only two payments have been made by the respondent as noted on the rent account, namely £450 paid on 12 May 2017 and £500 paid on 26 July 2017. As at the lodging of the application the arrears stood at £4000.

The applicant's solicitor sought an order today for payment of £4000. The tribunal considered the terms of Rule 29 and the overriding objective. The tribunal is satisfied that the procedure has been fair and that a decision can be made on the information available today. The tribunal accordingly made an order for payment in the sum of £4000.

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.

Lesley Ward

Lesley A Ward Legal Member

Date 8 August 2018.