

Housing and Property Chamber
First-tier Tribunal for Scotland



Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) in relation to an application under section 71(1) of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/18/1031

Re: Property at 3 Sinclair Crescent, Newmachar, AB21 0WL

Parties:

Mr Mark Kane and Mrs Elaine Kane, 8 Rowan Avenue, Newmachar, Aberdeenshire, AB21 0FA ("the Applicants")

Mrs Louise Cameron, Friends Legal, The Centrum Building, 38 Queen Street, Glasgow, G1 3DX ("the Applicant's Agent")

Mr James Bane and Ms Yvonne Bowman, 6 Kemnay Gardens, Dundee, DD4 7SR ("the Respondents")

Tribunal Members:

Ruth O'Hare (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 in the sum of Three thousand seven hundred and fifty pounds (£3,750) be granted, being sums due by the Respondents to the Applicants under a short assured tenancy between the parties.

Background

1. By application to the Tribunal dated 7 June 2018 the Applicant sought payment from the Respondents of outstanding rent arrears in the sum of £3,750.
2. Following submission of the application, a Case Management Discussion was scheduled for the 28 August 2018 at Credo Centre, Aberdeen.
3. The applications together with supporting documentation and notification of the Case Management Discussion were served on the Respondents by

Sheriff Officers on 1st August 2018. The Tribunal received no written representations from the Respondents following service of the applications.

The Case Management Discussion

4. The Case Management Discussion took place on 28 August 2018. The Applicants were represented by Mr Doran, Raeburn Christie Clark and Wallace (The Applicant's Agent). The Respondents were not in attendance.
5. In response to questions from the Tribunal the Applicant's Agent clarified that the sum of £3750 was sought, albeit the Respondents had not returned the keys to the property until 6 February 2018. However the Applicant's Agent conceded that in terms of the application before the Tribunal the Applicants were restricted to seeking the sum of £3750 as intimated, which equated to rent due for the period from June 2017 to December 2017. The Respondents had made no proposals for payment and had not been in contact since the keys were returned in February.

Findings in Fact

6. The parties entered into a Short Assured Tenancy Agreement dated 19th March 2017 in respect of the Property.
7. The term of the tenancy was 19 March 2017 to 19 September 2017 and monthly thereafter.
8. In terms of the said Tenancy Agreement the Respondents agreed to pay rent of £625 per month.
9. The tenancy was terminated on 6 February 2018 and the Respondents gave up possession of the property through the return of the keys.
10. The Respondents are in arrears of rent in the sum of £3750, which is rent lawfully due.

Reasons for Decision

11. Having considered the verbal and written representations from the Applicant the Tribunal was satisfied at the Case Management Discussion that it was able to make sufficient findings to determine the case without a hearing and that to do so would not be prejudicial to the interests of the parties. The Tribunal was satisfied that the Respondents had received proper notification by virtue of service of the papers by Sheriff Officers.
12. The Tribunal accepted based on its findings in fact that arrears of rent in the sum of £3750 were lawfully due by the Respondent. The Respondents had

not sought to dispute this by entering the proceedings. The Tribunal therefore determined to make an order for payment against the Respondents in the sum of £3750.

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.

Since an appeal is only able to be made on a point of law, a party who intends to appeal the tribunal's decision may wish to request a Statement of Reasons for the decision to enable them to identify the point of law on which they wish to appeal. A party may make a request of the First-tier Tribunal for Scotland (Housing and Property Chamber) to provide written reasons for their decision within 14 days of the date of issue of this decision.

Where a Statement of Reasons is provided by the tribunal after such a request, the 30 day period for receipt of an application for permission to appeal begins on the date the Statement of Reasons is sent to them.

RUTH O'HARE

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Legal Member/Chair

28/8/18

Date