

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)**

Chamber Ref: FTS/HPC/CV/19/3841

Re: Property at 32 Argyle Street, Alloa FK10 3RP (“the Property”)

Parties:

Sharon Inglis, residing at 51 Mariner Road, Camelon, Falkirk FK1 4LE (“the Applicant”)

Michael Gilligan residing at 32 Argyle Street, Alloa, FK10 3RP (“the Respondent”)

Tribunal Members:

Paul Doyle (Legal Member)

Decision (in absence of the Respondent)

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 £3,303.29. The Applicant had lodged with the Tribunal Form F and bank statements. A copy title sheet was lodged with the Tribunal which showed that Places for People Homes Limited is the heritable proprietor of the Property.

Case Management Discussion

A case management discussion took place before the Tribunal at 10.00am on 20 January 2020 at the Wallace House, Maxwell Place, Stirling Tribunals Centre. The Applicant was represented by Ms M McCallum of Jardine Donaldson, solicitors. There was no appearance by or on behalf of the Respondent.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent entered into a Short-Assured Tenancy Agreement for the Property on 26 February 2016.
2. The period of the Lease was from 26 February 2016 to 25 February 2017 and thereafter on a month to month basis.
3. The initial rent in terms of the Tenancy Agreement was £450 per month.
4. The rental was initially paid for the Respondent by Clackmannanshire Council. Clackmannanshire Council last made a partial payment of rental on 28 March 2019. Between 23 April 2019 and 1 July 2019 payments of rental were made on the respondent's behalf. No payments of rental have been made since 1 July 2019. At the date of application, there were arrears of rental totalling £2,853.29. At today's date there are arrears of rental totalling £3,303.29.
5. Notice of the date of this hearing was served on the Respondent by sheriff officers on 20 December 2019.

Reasons for the Decision

The Tribunal determined to make an Order for payment of £3,303.29. Rent was lawfully due in terms of clause 4.1 of the Tenancy Agreement at the rate of £450 per month. The Respondent has not paid any rent since 1 July 2019. Rental arrears now total £3,303.29.

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.

Paul Doyle

Legal Member

Date 20 January 2020