

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/18/0220

**Re: Property at Cockburn House, Kirk Street, Dunblane, FK15 0AL ("the
Property")**

Parties:

**Society of Friends of Dunblane Cathedral, Society of Friends of Dunblane
Cathedral, Society of Friends of Dunblane Cathedral, Craigievar, Smithy Loan,
Dunblane, FK15 0HQ; 11 Drummond Rise, Dunblane, FK15 0EX; 11 Drummond
Rise, Dunblane, FK15 0EX ("the Applicant")**

**Ms Julia Donald, Cockburn House, Kirk Street, Dunblane, FK15 0AL ("the
Respondent")**

Tribunal Members:

Neil Kinnear (Legal Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the
Tribunal") determined that**

Background

This is an application for a payment order dated 25th January 2018 and brought in terms of Rule 70 (Application for civil proceedings in relation to an assured tenancy under the 1988 Act) of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 as amended.

The Applicant sought payment of arrears in rental payments in relation to the Property from the Respondent, and provided with its application copies of the short assured tenancy agreement and a copy rent statement. The short assured tenancy agreement had been correctly and validly prepared in terms of the provisions of the Housing (Scotland) Act 1988, and the procedures set out in that Act had been correctly followed and applied.

The Applicant also sought an order requiring the Respondent to restore the property and garden to a neat and tidy condition and cleared of all personal belongings and furniture in its application.

The Respondent had been validly served by sheriff officers with the notification, application, papers and guidance notes from the Tribunal on 26th February 2018, and I was provided with the executions of service. She is accordingly deemed to be aware of the Case Management Discussion.

Case Management Discussion

A Case Management Discussion was held on 27th March 2018 at STEP Stirling, Stirling Enterprise Park, John Player Building, Stirling. The Applicant appeared represented by its Vice-chairman, Mr David Jamieson. The Respondent did not appear in person, nor was she represented. The Respondent has not responded to this application at any stage either in writing or by any other form of communication.

I was invited by Mr Jamieson with reference to the application and papers to grant the order for payment sought. He did not insist upon the order sought in the application requiring the Respondent to restore the property and garden to a neat and tidy condition and cleared of all personal belongings and furniture in its application.

The Applicant produced with its application a rent account statement disclosing rent due and payments made by the Respondent to the date of the application, which disclosed that rent arrears as at the date of the application amounted to £2,541.48.

Statement of Reasons

Section 16 of the Housing (Scotland) Act 2014 provides as follows:

“16. Regulated and assured tenancies etc.

(1) The functions and jurisdiction of the sheriff in relation to actions arising from the following tenancies and occupancy agreements are transferred to the First-tier Tribunal -

(a) a regulated tenancy (within the meaning of section 8 of the Rent (Scotland) Act 1984 (c.58)),

(b) a Part VII contract (within the meaning of section 63 of that Act),

(c) an assured tenancy (within the meaning of section 12 of the Housing (Scotland) Act 1988 (c.43)).

(2) But that does not include any function or jurisdiction relating to the prosecution of, or the imposition of a penalty for, a criminal offence.

(3) Part 1 of schedule 1 makes minor and consequential amendments.”

Accordingly, the Tribunal now has jurisdiction in relation to claims by a landlord (such as the Applicant) for payment of unpaid rental against a tenant (such as the Respondent) under a short assured tenancy such as this.

The Tribunal considered the terms of the short assured tenancy agreement and the copy rent statement provided, and was satisfied that this disclosed an outstanding balance of rent arrears at the date of this application in the sum sought of £2,541.48. Accordingly, the Tribunal shall make an order for payment of that sum.

Decision

In these circumstances, I have will make an order for payment by the Respondent to the Applicant of the sum of £2,541.48, as sought in this 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.

Neil Kinnear

Legal Member/Chair

27/03/18

Date