



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/24/1123

Property : 24 Whitehills Lane South, Cove, Aberdeen AB12 3SU (“Property”)

Parties:

LAR Housing Trust, F3 Buchan House, Carnegie Campus, Enterprise Way, Dunfermline KY11 8PL (“Applicant”)

David Black, 2/1, 54 Buchanan Street, Glasgow G69 6DY (“Respondent”)

Tribunal Members:

Joan Devine (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“Tribunal”) determined that an order for payment of £2638.92 should be made.

The Applicant sought an order for payment of £2638.92 in respect of rent arrears. The Applicant had lodged Form F. The documents produced were: a Short Assured Tenancy Agreement dated 29 July and 1 August 2016 and a statement of rent arrears. The Tribunal had sight of a sheriff officer's execution of service certifying service of the Application on the Respondent on 17 June 2024.

Case Management Discussion (“CMD”)

A CMD took place before the Tribunal on 25 July 2024 by teleconference. The Applicant was represented by Myles Cleghorn of the Applicant. The Respondent was not in attendance. Mr Cleghorn told the Tribunal that the deposit had been returned to the Applicant and was deducted from the arrears which left a balance due of £2638.92. He said that there had been no reply from the Respondent since the Applicant had started chasing the arrears.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent had entered into a Tenancy Agreement dated 29 July and 1 August 2016.
2. In terms of the Tenancy agreement the rent was £628.56 per month.
3. The Respondent failed to pay the rent in full for the period 11 April 2019 to 1 January 2020. The unpaid amount was £2638.92.

Reasons for the Decision

The Tribunal determined to make an Order for payment. In terms of the tenancy agreement rent was due at the rate of £628.56 per month. The Respondent failed to pay the rent in full for the period 11 April 2019 to 1 January 2020. The unpaid amount was £2638.92.

Decision

The Tribunal grants an order for payment of £2638.92.

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.

**Joan Devine
Legal Member**

Date : 25 July 2024