

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 71(1) of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/19/0439

Re: Property at Flat 2, 109 George Street, Dunoon, PA23 8BP (“the Property”)

Parties:

Mr Kevin Taylor, Mrs Kate Taylor, 8 Marina View, Pier Road, Dunoon, PA23 8QE (“the Applicant”)

Mr Alexander Simpson, 8 Hanover Street, Dunoon, Argyll, PA23 8BP (“the Respondent”)

Tribunal Members:

Colin Dunipace (Legal Member)

Decision in absence of the Respondent

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that that an Order should be made against the Respondent in favour of the Applicants in the sum of Two Thousand, and Twenty Nine Pounds and 25 Pence (£2029.25) Sterling.

Background

This matter concerns an Application for payment of unpaid rent in the sum of £2029.25 respect of a Short Assured Tenancy between the parties, which was lodged the Applicants on 5 February 2019. In support of the Application was also lodged a copy of the tenancy agreement; a bank statements showing payments and a list of dates when rental payments were due.

The matter called before me as a Case Management Discussion in Dunoon Sheriff Court, Dunoon on 3 May 2019. The Applicants were both personally present at this Discussion. The Respondent was neither present nor represented. I was satisfied that intimation of the Discussion had been sent by the Tribunal to the Respondents on 12 April 2019, and accordingly I was satisfied that Rule 24(1) of the First-tier Tribunal for Scotland Housing and Property Chamber (Rules of Procedure)

Amendment Regulations 2017 had been complied with thereafter determining that the Discussion might proceed in their absence in terms of Rule 29 of the aforementioned Regulations.

Case Management Discussion

When this matter called the Applicants moved to amend the sum sought in respect that the sums due as stated in the Application had been accurate as at that date but that the Respondent had not actually moved out until 27 February being a total of 20 further days in the property. Having regard to the information before the Tribunal I allowed this amendment. Thereafter having examined the documentation lodged and having heard from the Applicants, I was satisfied that there was no requirement for a full Hearing and that it was appropriate to make the Order sought at this stage.

In the absence of the Respondent, or any representations from him, I determined that there was no requirement for a full Hearing as the factual position did not appear to be in dispute.

Findings in Fact

1. The parties entered into a Short Assured Tenancy on 15 February 2018. In terms of this rental agreement the amount of rent due was £415 every four weeks.
2. That the Respondent did not maintain payments of rent due in respect of this tenancy agreement and that the arrears now due amount to £2, 029.25.

Statement of Reasons

The Applicants have produced a rent arrears statement to the Tribunal showing the extent of the outstanding arrears. These arrears are substantially in excess of three months rental in relation to the property.

Given that the factual position did not appear to be disputed I determined that the Order sought should be granted.

Decision

In these circumstances the Tribunal will grant the Order 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.

Colin Dunipace

Legal Member

3/5/19

Date