



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber)**

Chamber Ref: FTS/HPC/CV/20/0472

Re: Property at 21 Kerrycroy Avenue, Glasgow G42 0AA (“the Property”)

Parties:

Nancy Aitken, residing at 52 Mauchline Road, Hurlford, Ayrshire, KA1 5DF (**“the Applicant”**)

John James O’Rourke and Tracey Turnbull residing together at 11 Lubas Place, Toryglen Glasgow, G42 0BW (**“the Respondents”**)

Tribunal Members:

Paul Doyle (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 should be made.

Background

The Applicant sought an order for payment of rental arrears totalling £1,300.00. The Applicant had lodged with the Tribunal Form F. The documents produced were a Tenancy Agreement dated 11 August 2016; copy correspondence between the applicant’s agents and the respondents; and a statement of outstanding rental. A copy title sheet was lodged with the Tribunal which showed that the applicant is the heritable proprietor of the Property.

Case Management Discussion

A case management discussion was listed before the Tribunal for 2.00pm on 13 July 2020 by telephone conference. The Applicant was present (by telephone). The hearing was delayed until 2.11pm to allow sufficient time for the respondents to participate, but there was no appearance by or on behalf of either 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 11 August 2016.
2. The period of the Lease was from 11 August 2016 to 10 February 2017 and thereafter on a month to month basis. The respondents ended the tenancy on 11 February 2020.
3. The rent in terms of the Tenancy Agreement was £650 per month, payable on the 9th day of each month.
4. The Respondent failed to make payment of rent due on 9 December 2019 and 9 January 2020. At today's date there are arrears of rental totalling £1,300.00
5. Notice of the date of this hearing was served on both Respondents on 19 June 2020.

Reasons for the Decision

The Tribunal determined to make an Order for payment of £1,300.00. Rent was lawfully due in terms of clause 4 of the Tenancy Agreement at the rate of £650 per month. The Respondent did not pay rent in December 2019 or January 2020, so that there were rent arrears totalling £1,300.00 when they vacated the property on 11 February 2020. Rent arrears of £1,300.00 remain due and rest owing to the applicant.

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

P. Doyle

Member

Date 13 July 2020