



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under section 71 of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/19/0535

Re: Property at 69 Harbour Place, Dalgety Bay, Fife, KY11 9GD (“the Property”)

Parties:

Mr Martin Bailey, Mrs Carol Bailey, 11 Inch Avenue, Aberdour, Fife, KY3 0TF (“the Applicants”)

Mr Chris Gunn, 69 Harbour Place, Dalgety Bay, Fife, KY11 9GD (“the Respondent”)

Tribunal Members:

Maurice O'Carroll (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that it would issue an Order for payment in favour of the Applicants in the sum of £3,550.

Background

- 1 A Case Management Discussion was held on 3 April 2019. Ms Kirsty Morrison of Messrs TC Young appeared on behalf of the Applicants. There was no appearance for the Respondent.
2. At 11.03 on the morning of the CMD, the Respondent emailed the Tribunal office to indicate that he would not be attending the Discussion. The Respondent also indicated in the email that he would be moving out of the Property on 28 April 2019 and that he accepted that he was in arrears of rent.
3. The Chairman decided to exercise his discretion to hold the CMD in the absence of the Respondent.

Findings in Fact

4. The parties entered into a lease dated 13 April 2018. The rent payable was £675 per calendar month, payable in advance in terms of Clause 8 of the Tenancy Agreement.
5. At the date of the original proceedings, rent had been in arrears for a period of three or more consecutive months and amounted to £2,875.
6. On 18 March 2019, agents for the Applicant served notice on the Respondent of its intention to amend the amount sued for to £3,550, being the amount due as at the date of the CMD, in conformity rule 14A of the 2017 Tribunal Rules as amended.
7. Agents for the Applicant provided vouching for the increased sum sued for at the CMD.

Decision

8. In light of the foregoing findings in fact, the Tribunal is satisfied that a demand for the sum of £3,550 has been validly made and therefore grants an Order in favour of the Applicants for payment by the Respondent in that amount.

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.

Maurice O'Carroll

Legal Member/Chair

8/4/19

Date