



**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/19/0634**

**Re: Property at 10 Corporal John Shaw Court, Prestonpans, EH32 9GJ (“the Property”)**

**Parties:**

**Mr Phillip Wheeler, Mrs Constance Wheeler, c/o FIDRA LETTINGS, 6 High Street, Gifford, East Lothian, EH41 4QU (“the Applicant”)**

**Mr Stuart Bisset formerly residing at 10 Corporal John Shaw Court, Prestonpans EH32 9GJ and whose current whereabouts are unknown (“the Respondent”)**

**Tribunal Members:**

**Richard Mill (Legal Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an Order for payment by the Respondent to the Applicant in the sum of £3,123.00 should be made.**

**Background**

**The parties are the former landlords and tenant respectively of the property at 10 Corporal John Shaw Court, Prestonpans EH32 9GJ. The tenancy was a short assured tenancy which commenced on 1 October 2017. The monthly rent was £1,500. A deposit of £1,500 was paid.**

**The Respondent fell into rent arrears. As at the date of him leaving the property he was 3 months in arrears - £4,500. This related to the months of June, July and August 2018. The deposit of £1,500 was applied to some minor remedial work necessary due to the Respondent. The remaining £1,377 was applied to the rent arrears leaving a balance of £3,123.**

The Respondent has no forwarding address. He has been in contact with the Tribunal via e mail. Service was allowed by advertisement. The Respondent has not disputed the amount owed but highlighted that he has been sequestered.

### The Hearing

The hearing was listed for 11.30am. The Applicant's agent Miss R Hill from Messrs Paris Steele WS attended. The Respondent was not present. The case was listed at the correct time on the Chamber website though the actual advertisement stipulated that the hearing was assigned for 2pm instead of 11.30am.

To avoid delay and prejudice to the Applicants final consideration of the application was not made until 2pm.

### Findings and Reasons

The Respondent has breached his obligations to pay rent under the tenancy. £3,123 remains outstanding. The Applicants are entitled to recover this sum.

### Note

Christine Convy for the Accountant in Bankruptcy has written to the Tribunal on 14 June 2019 to advise that any representations may be made within 14 days of her letter. This affords the Applicants the opportunity of sending a copy of the Tribunals Decision and details of their claim. The Tribunal has no authority to make such claim on their behalf.

### 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.

R Mill

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Legal Member/Chair

21/6/19  
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Date