



**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/19/0953

Re: Property at 185D South Street, Perth, PH2 8NY (“the Property”)

Parties:

Mr Ian Cadman, The Spa, Pitkeathly Wells, Bridge of Earn, PH2 9HA (“the Applicant”)

**Miss Emma Holmes, Mr Vikrant Devgun, 185D South Street, Perth, PH2 8NY
 (“the Respondents”)**

Tribunal Members:

Nicola Irvine (Legal Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted an order for payment against the Respondents in the sum of £4,640.

Background

The Applicant submitted an application seeking an order for payment in the sum of £4,640. That sum related to arrears of rent in respect of the Respondents’ tenancy of the property at 185D South Street, Perth. The Tribunal intimated the application to parties by letter of 18th April 2019 and advised them of the date, time and place of today’s case management discussion. The parties were advised that they required to attend the case management discussion and were informed that the Tribunal could make a decision today on the application if the Tribunal has sufficient information and considers the procedure to have been fair. The Respondents were invited to make written representations by 13th May 2019. No written representations were received by the Tribunal.

Case Management Discussion

The Applicant was personally present. The case management discussion proceeded in the absence of the Respondents. The Applicant advised that the Respondents have made many promises to make payment of the rent arrears but they have failed to do so. He referred to the rent statement lodged and indicated that the Respondents have only paid the rent in full on one occasion during the tenancy. The Applicant relied upon the rent statement and sought an order for payment in the sum of £4,640.

Findings in Fact

1. The parties entered into a tenancy agreement on 1st November 2017. The term of the tenancy was from 1st November 2017 to 1st May 2018 and has continued by tacit relocation.
2. The rent payable is £460 per month.
3. As at March 2019, the rent arrears amounted to £4,640.
4. The Applicant is entitled to the order sought for payment in the sum of £4,640.

Reason for Decision

The Applicant has produced a rent statement along with a copy of his bank statements showing payments of rent made by the Respondents. The rent statement discloses that the rent arrears amounted to £4,640 in March 2019. No payments have been made by the Respondents since that date. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the case management discussion. The Tribunal was satisfied that the rent arrears are due by the Respondents and therefore granted the 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 was sent to them.


Legal Member/Chair

21st May 2019
Date