



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/19/1018

Re: Property at Flat 1, 14 High Street, Montrose, DD10 8JL (“the Property”)

Parties:

G&P Flats Ltd, Rosebank Cottage, Drum, KY13 0UN (“the Applicant”)

Mr Martin Sanderson, Ms Fiona Milne or Sanderson, Flat 1, 14 High Street, Montrose, DD10 8JL (“the Respondents”)

Tribunal Members:

Shirley Evans (Legal Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to make an order for payment of THREE THOUSAND POUNDS AND THIRTY NINE PENCE (£3000.39) STERLING with interest thereon at the rate of 2.5% running from the date of the decision of the First-tier Tribunal to grant this order, being 24 July 2019, until payment. The order for payment will be issued to the Applicant after the expiry of 30 days mentioned below in the right to appeal section unless an application for recall, review or permission to appeal is lodged with the Tribunal by the Respondents.

Background

1. By application dated 13 March 2019 the Applicant applied to the First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) for an order for payment of rent arrears against the Respondents relating to a tenancy at Flat 1, 14 High Street, Montrose, DD10 8JL (“the Property”).

2. On 5 June 2019, the Tribunal accepted the application under Rule 9 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Regulations”).
3. On 13 June 2019 the Tribunal enclosed a copy of the application to both parties and invited the Respondents to make written representations to the application by 5 July 2019. The Tribunal also advised both parties that a Case Management Discussion under Rule 17 of the Regulations would proceed on 24 July 2019. This paperwork was served on the Respondents by Vivienne Johnston, Sheriff Officer, Dundee on 17 June 2019 and certificates of execution were received by the Tribunal.
4. The Respondents did not make any written representations by 5 July 2019.

Case Management Discussion.

5. The Tribunal proceeded with the Case Management Discussion on 24 July 2019. The Applicant was represented by William Percy, a Director of the Applicant. There was no appearance by or on behalf of the Respondents.
6. The Tribunal had before it a Short Assured Tenancy Agreement signed and dated 19 December 2015 and 8 January 2016 (“the tenancy agreement”), a rent statement to 16 March 2019 showing how the arrears had accrued and a letter dated 13 March 2019 from the Applicant to the Respondents demanding the arrears be paid.
7. Mr Percy submitted that he was seeking an order for payment for £3000.39 with interest at 2% over the Bank of England’s base rate. The Tribunal noted that in terms of the tenancy agreement the Respondents had agreed to pay £545 per month rent. The arrears had not increased as the Respondents had left the Property although he was not sure exactly when they did so. The Respondents had left the Property in an unsatisfactory state. He explained the Respondents had made promises that they would pay the arrears but no payment had been received. The Respondents had previously been in arrears on two occasions, but these had been reduced when Housing Benefit had been sorted. However, that had not happened on this occasion and the arrears had never been so high.

Findings In Fact

8. By way of a Short Assured tenancy agreement signed and dated 19 December 2015 and 8 January 2016 in relation to the Property, the Respondents agreed to pay the Applicant monthly rent of £545.

9. The Respondents have fallen into rent arrears of £3000.39 as at the date of application. No further arrears have accrued.

Reasons for Decision

10. The Applicant provided evidence of non-payment of rent in the form of the tenancy agreement and rent statement. The Tribunal was satisfied on the basis of the tenancy agreement, the rent statement and the supporting oral submissions made by the Applicant that the Respondents were in arrears of rent in the sum sought in the 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.

S Evans

Legal Member/Chair

24 July 2019

Date