



**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/18/1220

Re: Property at 33 Johnston Avenue, Stirling (“the Property”)

Parties:

**Mr Manjinder Singh Sandu, The Laurels, Abercromby Drive, Bridge of Allen,
FK9 4EA (“the Applicant”)**

Ms Alexis Williams, 33 Johnston Avenue, Stirling, FK9 5DD (“the Respondent”)

Tribunal Members:

Melanie Barbour (Legal Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that**

Background

An application was made to the First Tier Tribunal for Scotland (Housing and Property Chamber) under Rule 70 of the First Tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017 (“the 2017 Rules”) seeking an order for payment of rent arrears amounting to £13,646.77 in relation to an assured tenancy for the property.

The application contained a copy of the Tenancy Agreement; and a copy of the rental statement signed by the Applicant.

The Applicant’s representative, Alasdair Mackie, from Messrs Mailers, attended on behalf of the Applicant.

There was no appearance from the Respondent.

Notice of the Hearing together with a copy of the application and confirmation that the Respondent could make written representations in response to the application, had been served on the Respondent on 16 July 2018. No written representations had been received from the Respondent.

As I was satisfied that the Respondent had received notice of the hearing, I was prepared to proceed with the case in her absence.

The Hearing

The Applicant's representative advised that the rent arrears were still outstanding as at today's date and had in fact increased and were now £15,350.75.

There had been no attempts made by the Respondent to repay the arrears. The Applicant had requested that the Respondent repay the arrears however there had been no repayments to the arrears by the Respondent.

Findings in Fact

The Tribunal found the following facts to be established:

A tenancy agreement was entered into between the Applicant and the Respondent for the property and existed between the parties. It was entered into on 7 August 2006.

Clause 4 of the tenancy agreement provided that rent of £570 was due per month in advance by the Respondent to the Applicant.

That the rental statement showed that as at the May 2018 the arrears for the property amounted to £13,646.75.

Reasons for Decision

Section 16 of the Housing (Scotland) Act 2014 provides that the Tribunal has jurisdiction in relation to actions arising following from a number of tenancies, including those arising under an assured tenancy within the meaning of section 12 of the Housing (Scotland) Act 1988.

As this tenancy is an assured tenancy I am content that I have jurisdiction to deal with this case.

There was no response or appearance from the Respondent.

The tenancy agreement created obligations between the parties, one of those obligations was to pay rent, and the Respondent has failed to do so. There was submitted a rental statement showing the arrears due.

On the basis of the evidence submitted, I consider that I should make an order for the sum sued for.

Decision

I grant an order in favour of the Applicant for THIRTEEN THOUSAND SIX HUNDRED AND FORTY SIX POUNDS SEVENTY FIVE PENCE (£13,646.75) STERLING against the Respondent.

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.

Where a Statement of Reasons is provided by the tribunal after such a request, the 30 day period for receipt of an application for permission to appeal begins on the date the Statement of Reasons is sent to them.

Melanie Barbour

Legal Member/Chair

13. 8. 18
Date