

Housing and Property Chamber
First-tier Tribunal for Scotland



**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/19/1449

Re: Property at 25 Brown Walk, Irvine, KA12 9EU (“the Property”)

Parties:

Mr Mark Watt, ABN Services, Gardrum House, Fenwick, KA3 6AS (“the Applicant”)

Mr Anthony Davis, Ms Marion Bain, 25 Brown Walk, Irvine, KA12 9EU; 25 Brown Walk, Irvine, KA12 9EU (“the Respondent”)

Tribunal Members:

Alison Kelly (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 of £1469 should be granted.

Background

The Applicant’s Solicitor lodged an Application on 7th May 2019, under Rule 109 of the Tribunal’s Procedural Rules, seeking eviction of the Respondent.

Lodged with the Application were:

1. Tenancy Agreement with commencement date of 3rd October 2018
2. Rent Statement

Case Management Discussion

The Applicant was personally present, along with his wife, Anne Watt, and was represented by Kirsty Wilson, Solicitor, Taylor and Henderson.

Miss Wilson confirmed that at the date that the Application was made the Respondent was in rent arrears in the amount of £1469, and had not made any payments towards that. She sought an order for payment of a higher sum, having sent a copy of the updated rent statement to both the Tribunal and the Respondent on 3rd July 2019.

In terms of Rule 14(A) of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, as amended, such an amendment has to be intimated to the other party giving 14 days' notice. The Chairperson offered the option of granting an order for the sum originally sought, or continuing the Case Management Discussion for the amendment to be made. After consultation with her client, Miss Wilson opted to have an order for the sum in the original application.

Findings In Fact

1. The parties entered in to a Tenancy Agreement with a commencement date of 3rd August 2019;
2. The rental payment was £98 per week;
3. At the date of lodging the Application the Respondent was in arrears in the amount of £1469.

Reasons For Decision

The Respondent is in rent arrears in at least the amount of £1469.

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.

Alison Kelly

Legal Member/Chair

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Date

8/7/19