



**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 2019**

**Chamber Ref: FTS/HPC/CV/19/1936**

**Re: Property at 93 Fleming Crescent, Saltcoats, KA21 6EE (“the Property”)**

**Parties:**

**Mr John Cruickshanks, 17 The Fairways, Irvine, KA12 8TE (“the Applicant”)**

**Mr Bret McKenzie, Ms Victoria McMillan, who both formally resided at 93 Fleming Crescent, Saltcoats, KA21 6EE and whose present whereabouts are unknown (“the Respondents”)**

**Tribunal Members:**

**Melanie Barbour (Legal Member)**

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

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

**Background**

1. An application was made to the First Tier Tribunal for Scotland (Housing and Property Chamber) under Rule 111 of the First Tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017 (“the 2017 Rules”) seeking an order for payment of the sum of £2062 to the Applicant in relation to rent arrears due by the Respondents.
2. The application contained:-
  - a copy of the tenancy agreement,
  - rental statement, and
  - copy of universal credit applications

13. That it appeared that there had been no payments towards the rent arrears other than those shown on the rent statement.

#### Reasons for Decision

14. Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016 provides that the First Tier Tribunal has jurisdiction in relation to civil proceedings arising from private residential tenancies.

15. As this tenancy is a private residential tenancy I am content that I have jurisdiction to deal with this case.

16. There was no response or appearance from the Respondent but they had been notified of today's hearing.

17. The tenancy agreement created obligations between the parties, one of those obligations was to pay rent, and the Respondents have failed to do so. There was submitted a rental statement showing the arrears due and additional information provided today by the Applicant's representative was that there had been no further payments towards the rent arrears and this was therefore the sum still outstanding.

18. On the basis of the evidence submitted and having regard to all papers submitted including the application, I consider that I should make an order for the sum sued for.

#### Decision

19. I grant an order in favour of the Applicant for TWO THOUSAND AND SIXTY TWO POUNDS (£2,062) STERLING against the Respondents.

#### **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.**

**Since an appeal is only able to be made on a point of law, a party who intends to appeal the tribunal's decision may wish to request a Statement of Reasons for the decision to enable them to identify the point of law on which they wish**

**to appeal. A party may make a request of the First-tier Tribunal for Scotland (Housing and Property Chamber) to provide written reasons for their decision within 14 days of the date of issue of this decision.**

**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.**

M. Barbour

26.9.19

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Legal Member/Chair

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Date