

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/19/2083

Re: Property at 101 Albion Street, Coatbridge, ML5 3SD (“the Property”)

Parties:

Mrs Elsbeth Brankin, C/O 11 The Fairways, Bothwell, Glasgow, G71 8PB (“the Applicant”) represented by John Gildea, solicitor, John Jackson and Dick, 48 Cadzow Street Hamilton ML3 6DT

Mr Michael Brown, 101 Albion Street, Coatbridge, ML5 3SD (“the Respondent”)

Tribunal Members:

Jim Bauld (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order against the Respondent for payment to the applicant of the sum of Three Thousand and Two pounds and fifteen pence (£3002.15)

Background

By application received 5 July 2019, the applicant sought an order under Section 16 of the Housing (Scotland) Act 2014 (“the Act”) and in terms of rule 70 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. On 8 August 2019 the application was accepted by the tribunal and referred for determination by the tribunal.

A Case Management Discussion was set to take place on 20 September 2019 and appropriate intimation of that hearing was given to both the landlord and the tenant

The Case Management Discussion

The Case Management Discussion (CMD) took place on 20 September 2019. The applicant was represented by her solicitor. The Respondent did not attend

Findings in Fact

The Applicant and the Respondent as respectively the landlord and tenant entered into a tenancy of the property on 31 October 2013.

The tenancy was a short assured tenancy under the terms of the Housing (Scotland) Act 1988

The tenancy had now been terminated and at its conclusion the respondent owed the applicant the sum of £3002.15 in rent arrears.

Reasons for Decision

The tribunal accepted the unchallenged evidence from the applicant's solicitor that the arrears sought were extant at the termination of the tenancy.

The sum initially claimed in the application was £5002.15 and £2,000 had been paid towards the arrears in the intervening period.

Decision

The tribunal makes an order against the Respondent for payment to the applicant of the sum of Three Thousand and Two pounds and fifteen pence (£3002.15)

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.

Jim Bauld

Legal Member/Chair

20 September 2019

Date