

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/18/2950

Re: Property at 4 Braemar Drive, Dunfermline, Fife, KY11 8ES (“the Property”)

Parties:

Mr Stepen O'Donoghue, Mrs Sheila Mair, C/o Morgans, 33 East Port, Dunfermline, Fife, KY12 7JE; C/o Morgans, 33 East Port, Dunfermline, KY12 7JE (“the Applicant”)

Mr Stephen James Rankine, Mrs Lorraine Rankine, 62 Irene Hughes Drive, Dunfermline, KY11 2DZ; 62 Irene Hughes Drive, Fife, KY11 2DZ (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member)

Decision

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

- This matter called for a Case Management Discussion at 10am on 22 February 2019 at the Vine Conference Centre, 131 Garvock Hill, Dunfermline, KY11 4JU.
- The Applicant was represented by Ms Sarah Ferguson, a lettings agent from Morgans. The First Respondent was personally present and indicated that his wife, Mrs Lorraine Rankine was aware of the Hearing and that he was representing both of their interests.
- At the outset Ms Ferguson invited the Tribunal to make a Payment Order in the sum of £3,360.88 corresponding to the value of rent arrears which were said to have accrued in the respect of the Respondents' Short Assured Tenancy of 4 Braemar Drive, Dunfermline. The Respondents had subsequently left the property and were now living at 62 Irene Hughes Drive, Dunfermline. The Tribunal amended the Respondents' address in the Application to reflect that this was their address.

- Ms Ferguson had lodged a comprehensive rent statement in support of the Application that was said to evidence the alleged rent arrears.
- Mr Rankine candidly admitted that these rent arrears had accrued and were lawfully due. Mr Rankine stated that he did have some criticisms of the property but the Tribunal took the view that none of these were sufficient to justify being classed as a possible defence to the Application. Mr Rankine was given the opportunity to address the Tribunal in full on his position. It appeared to the Tribunal that Mr Rankine simply wanted to have his say on the matter and made no real attempt to defend the Application despite having been given the opportunity to do so.
- Accordingly, having considered the Application and having noted the Respondents' acceptance of the alleged rent arrears, the Tribunal considered that the Application should be granted.
- Accordingly, the Tribunal made a Payment Order in the sum of £3,360.88.

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.

Andrew McLaughlin

Legal member/Chair

22 February 2019

Date