



**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/19/2983

**Re: Property at The Arches, Church Road, Muirfoot, Luthermuir, AB30 1YS
("the Property")**

Parties:

JW Souttar, 3A Clerk Street, Brechin, Angus, DD9 6AF ("the Applicant")

**Mr Jim Gordon, Ms Teresa Glennon, 7 Conveth Place, Laurencekirk,
Aberdeenshire, AB30 1AD ("the Respondent")**

Tribunal Members:

Valerie Bremner (Legal Member)

Decision (in absence of the Respondent)

Background

This is an Application for Civil Proceedings made on 17th September 2019. The Application was accepted by the Tribunal on 31 October 2019 and a Case Management Discussion was arranged for 19th December 2019.

Discussion

The Applicants did not attend the case management discussion but were represented by Miss Talbot. The Respondents did not appear. The Tribunal had sight of an execution of service of the Application and papers on each Respondent by Sheriff Officers. The Applicant's representative Miss Talbot requested that the Tribunal proceed in the absence of the Respondents and this request was granted in terms of Rule 29 of the Tribunal Rules.

The Tribunal had sight of the Application, the tenancy agreement, invoices for electricity, activity statements for rent and utilities, an invoice in respect of the supply of kerosene and bank statements for the period of the tenancy.

The Applicant, the partnership of JW Souttar entered into a Private Residential Tenancy with the Respondents on 1st July 2018 and this ended on 1 August 2019.

A rent statement was produced which showed that the rent was £750 per month and this was in arrears amounting to £1700 at the end of the tenancy. Miss Talbot advised that she was not aware that the rent arrears were due to any failure in the payment of any relevant benefit. In July 2019 she was advised that one of the Respondents had been "signed off" work but was never aware that a benefit claim in respect of the rent had been made.

The utilities were supplied via a separate electricity meter for the property which was billed as part of the supply for the Applicants property too. The Applicants paid the bills from the supply company and invoiced the Respondents for their use as per meter readings from the separate meter for the property. The outstanding electricity bills for the property which the Applicant has paid amount to £392.83. The other fuel used at the property was kerosene and the tank had been filled and paid for by the Applicant when the Respondents agreed the tenancy. This invoice amounted to £533.30 and the Respondents had paid £525 of this leaving a balance to pay for their use of kerosene during the tenancy of £8.30.

The total sum said to be due by the Respondents in respect of the arrears of rent and unpaid bills for the property amounted to £2101.13.

Findings in Fact

1. The Applicants and Respondents entered into a tenancy agreement for the property between 1 July 2018 and 1 August 2019.
2. The rent was £750 per month and the property was supplied with electricity and kerosene.
3. Rent arrears and unpaid utility bills for the property during the tenancy amount to £2101.13

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Reasons for Decision

The Tribunal was satisfied that the sums set out as arrears of rent and unpaid utility bills are lawfully due by the Respondents to the Applicant.

Decision

The Tribunal makes a payment order in the sum of £2101.13 in favour of the Applicant and due by the Respondents in respect of rent and unpaid utility bills.

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.

Valerie Bremner

Legal Member/Chair

19 December 2019

Date