



**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 2016**

**Chamber Ref: FTS/HPC/CV/19/3182**

**Re: Property at 6 Corthie Court, Stoneywood, Denny, FK6 5GU (“the Property”)**

**Parties:**

**Capita Trust Company Limited, C/O Touchstone, 2 Crescent Office Park, Clarks Way, Bath, BA2 2AF (“the Applicant”)**

**Mr Christopher Kiernan, Ms Marylee Kiernan, 6 Corthie Court, Stoneywood, Denny, FK6 5GU (“the Respondents”)**

**Tribunal Members:**

**John McHugh (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Respondents should be ordered to pay the sum of £2125.67 to the Applicant.**

**Background**

The Applicant holds the landlord's interest and the Respondents the tenant's interest in a short assured tenancy dated 31 October 2017.

The Applicant claims that the sum of £2125.67 is currently outstanding by the Respondents to the Applicant in respect of unpaid rent.

**The Case Management Discussion**

A Case Management Discussion (“CMD”) took place by conference call on 10 July 2020. The Applicant was represented by Melissa Wilson of Patten & Prentice Solicitors. The Respondents were neither present nor represented. The Tribunal

was satisfied that notification of the hearing had been given to the Respondents. The Respondents have taken no part in any stage of the proceedings. The CMD was a continued CMD. At the original CMD on 11 February 2020, the Tribunal had requested information about the fact that the Applicant was a different entity from that named on the tenancy agreement. The Applicant has now provided information confirming that there has been a change in ownership and that the Applicant is the new proprietor.

The Applicant had originally claimed the sum of rent outstanding at the time of application of £1870.85 but had amended this prior to the 11 February CMD to the then outstanding figure of £2594.84. The Applicant provided the Tribunal shortly in advance of the CMD with an updated rent payment schedule which shows the current outstanding balance as £2125.67 and it is this amount which the Applicant requests the Tribunal orders the Respondent to pay.

### **Findings in Fact**

The Applicant holds the landlord's interest and the Respondents the tenant's interest in a short assured tenancy dated 31 October 2017.

The Tenancy Agreement provides that rent is due at the rate of £482.67 per month and increases in accordance with an inflation based formula.

The obligation to pay rent is joint and several in terms of the Tenancy Agreement.

The sum of £2125.67 is currently outstanding by the Respondents to the Applicant in respect of unpaid rent.

### **Reasons for Decision**

The Applicant has established that rent due under the tenancy agreement is unpaid to the extent of £2125.67. No counter argument has been presented and the Tribunal knows of none.

### **Decision**

The Respondents should be ordered to pay to the Applicant the sum of £2125.67

### **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.**

