



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber)**

Chamber Ref: FTS/HPC/CV/19/3718

Re: Property at 7 Finedon Terrace, Dundee, DD4 9EF (“the Property”)

Parties:

**MR William Stewart, Mrs Margaret Stewart, Claypotts Cossans, Glamis, Forfar,
DD8 1QE (“the Applicant”)**

**Mr Darren Smith, Ms Louise McComiskey, 14 (Top Left) Cheviot Cres, Dundee,
DD4 9QH (“the Respondent”)**

Tribunal Members:

Virgil Crawford (Legal Member)

Decision (in absence of the Respondent)

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

BACKGROUND

1. By lease dated 1 June 2017 the Applicant’s let the Property to the Respondents. The rent payable was £550.00 per calendar month, payable in advance;
2. The respondents fell in to arrears of rent shortly after the tenancy commenced. Arrears first arose on 1 October 2017 and there have been arrears of rent consistently from then until the termination of the tenancy;
3. The tenancy ended during October 2019. At that time the arrears of rent amounted to £6,395.00;
4. Since the termination of the tenancy no further payments have been made to the Applicant’s by the Respondents;

THE CASE MANAGEMENT DISCUSSION

5. The Applicants attended the Case management Discussion. The Respondents did not. The Tribunal was in receipt of an execution of service by sheriff officers confirming that the place, date and time of the Case Management Discussion had been intimated to the Respondent, together with a copy of the case papers. In the circumstances the Tribunal, being satisfied in terms of Rule 24 of The First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (the "FTT Rules") that the Respondent had received reasonable notice of the same determined that it was appropriate to proceed in accordance with Rule 29 of the FTT Rules;
6. The Applicant's confirmed that the amount outstanding remained as £6,395.00. A rent statement and bank statements showing previous payments, or the lack thereof, had been produced to the Tribunal;
7. The Tribunal enquired as to whether any tenancy deposit had been received from the Respondents. It was confirmed that no deposit had been received and therefore there were no deposit funds available to apply towards reducing the rent arrears;

FINDINGS IN FACT

8. The Tribunal found the following facts to be established:-
 - i. By lease dated 1 June 2017 the Applicant's let the Property to the Respondents. The rent payable was £550.00 per calendar month, payable in advance;
 - ii. The respondents fell in to arrears of rent shortly after the tenancy commenced. Arrears first arose on 1 October 2017 and there have been arrears of rent consistently from then until the termination of the tenancy;
 - iii. The tenancy ended during October 2019. At that time the arrears of rent amounted to £6,395.00;
 - iv. Since the termination of the tenancy no further payments have been made to the Applicant's by the Respondents;
 - v. The sum of £6,395.00 is due by the Respondents to the Applicants.

DECISION

The Tribunal granted an order against the Respondents for payment of the undernoted sum of SIX THOUSAND THREE HUNDRED AND NINETY FIVE POUNDS (£6,395.00) STERLING to the Applicants.

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.

Virgil Crawford

27 January 2020

Legal Member/Chair

Date