



**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/19/2053

Re: Property at 41 Suttieside Road, Forfar, DD8 3EL ("the Property")

Parties:

Mr Duncan Stirling, 24 Church Street, Edzell, DD9 7TQ ("the Applicant")

Ms Tracey Reed, UNKNOWN, UNKNOWN ("the Respondent")

Tribunal Members:

Gabrielle Miller (Legal Member)

Decision (in absence of the Respondent)

Background

1. This is an application in terms of Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 ("the Rules"). The Applicant is seeking an order for payment of the sum of £4385 in terms of s16 of the Housing (Scotland) Act 2014.
2. The Tribunal had before it the following documents:
 - a. Application dated 20th June 2019 and received by the Tribunal on 30th June 2019.
 - b. Tenancy agreement between the parties signed 16th September 2017 with the commencement of the tenancy on 19th September 2017 for a 6 months period on a month to month basis thereafter. The monthly rent charge being £325.
 - c. Rent statement from October 2017 to April 2019 stating outstanding arrears of £4225 for 13 missed payments of rent.
3. The Tribunal also had before it a copy of the title deeds numbered ANG30021.

4. A Notice of Acceptance of Application was signed on 4th September 2019.
5. The Applicant submitted receipts from The Carpet Cleaner Man (£80.00) and Aqua Clean Scotland Ltd T/A Oven Wizards.
6. A hearing date was fixed for 21st October 2019 but was postponed as Sheriff Officers were not able to effect service upon the Respondent at the Property address.
7. On 15th October 2019, all parties were written to with the date for the Case Management Discussion ("CMD") of 19th November 2019 at 2pm at the Carers Centre, Seagate House, 132-134 Seagate, Dundee.
8. Between 15th October 2019 and 19th November 2019 the Respondent was served notice of the hearing on 19th November 2019 by Advertisement. Certificate of Service by Advertisement dated 19th November 2019 was added to the paperwork.

Case Management Discussion

9. A CMD was held on 19th November 2019 at 2pm at the Carers Centre, Seagate House, 132-134 Seagate, Dundee. The Applicant was represented by Mr Michael Boyd of Boyds Law Solicitors. The Respondent was not present. The Tribunal proceeded in terms of Rule 29 of the Rules. Neither party made representations in advance of the hearing. Mr Boyd informed the there were no outstanding Housing Benefit issues. He believes that the Respondent was working. There has been no contact since the Respondent vacated the Property in May 2019. The deposit remains with Deposit Scotland. The outstanding amount will be offset against the amount received from the returned deposit. Mr Boyd believed that the deposit had not been sought until after this case had been concluded. The Tribunal discussed the claimed utility bill of £30.76. It was noted that this was not vouched. Mr Boyd withdrew his from the claim.

Findings in Fact

10. The parties entered into a Short Assured Tenancy on 19th September 2017 with the commencement of the tenancy on 19th September 2017 for a 6 months and on a month to month basis thereafter. The lease was signed on 16th September 2017. The rent payments of £325 per month.
11. The Housing and Property Chamber received an Application on 30th June 2019.

12. The Respondents have persistently not made rent payments. There have been more than 3 missed payments. The Applicant had cleaning costs of £80 to clean the oven and £80 for the carpets to be cleaned.

13. There are no outstanding Housing Benefit issues.

Reasons for Decision

14. The Respondent has failed to make payment of the rent lawfully due in terms of the lease between the parties. The Applicant has lodged a rent statement for the period October 2017 to April 2019 in which payments have been missed to amount to £4225 in rent arrears. The Tribunal was also satisfied that the outstanding amount for cleaning of the carpet and oven was also due which totalled £160. The Tribunal was satisfied that there were no other issues of reasonableness before them. The Tribunal decided that the Respondent had persistently not paid the rent and were in arrears. As a consequence the Applicant was entitled to be granted the Order for payment of £4385 against the Respondent.

Decision

15. The Applicant is entitled to for an order of payment of £4385 by the Respondent. The Order was granted against the Respondent.

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.

G.Millar

Legal Member/Chair

19 Nov 19

Date