

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/EV/18/0740

**Re: Property at Lower Floor Flat, Hill House, Gordon Terrace, Annan, DG12
6SD ("the Property")**

Parties:

**Home Buyers UK Limited, Sterling House, 20 Victoria Way, Burgess Hill, West
Sussex, RH15 9NF ("the Applicant")**

**Lee Davies, Lower Floor Flat, Hill House, Gordon Terrace, Annan, DG12 6SD
("the Respondent")**

Tribunal Members:

Melanie Barbour (Legal Member)

Decision (in absence of the Respondent)

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

Background

An application was made to the First Tier Tribunal for Scotland (Housing and Property Chamber) under Rule 70 of the First Tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017 ("the 2017 Rules") seeking an order for payment of rent arrears amounting to £5,000 in relation to an assured tenancy for the Property.

The application contained a copy of the Tenancy Agreement; the title sheet DMF 7583; Copy AT5 and a copy of the rental statement dated 2 March 2018.

The Applicant was represented by Ms Raymond a local agent, who had been instructed to appear by the Applicant's principal agent. There was no appearance from the Respondent.

The Notice of the Hearing had been served on the respondent by sheriff officers on 11 July 2018. As I was satisfied that the respondent had been given formal notice of the today's case management discussion I was prepared to proceed with it in his absence.

The Hearing

The Applicant's representative advised that the rent arrears were still outstanding and as at today's date had in fact increased and were now £7,200. That there had been no payments to rent since February 2017. There had also been no recent communication from the Respondent.

Findings in Fact

The Tribunal found the following facts to be established:

A tenancy agreement existed between the landlord and the respondent for the property. It had been entered into on 1 October 2011. The Applicant had title and interest as landlord, having acquired the property in February 2016.

Clause 5 of the tenancy agreement provided that rent of £400 was due per calendar month in advance by the respondent to the landlord.

That the rental statement showed that as at the 1 March 2018 the arrears for the property were £5,200. The current arrears were £7,200.00.

Reasons for Decision

Section 16 of the Housing (Scotland) Act 2014 provides that the Tribunal has jurisdiction in relation to actions arising following from a number of tenancies, including those arising under an assured tenancy within the meaning of section 12 of the Housing (Scotland) Act 1988.

As this tenancy is an assured tenancy I am content that I have jurisdiction to deal with this case.

There was no response or appearance from the respondent but he had been made aware of today's hearing.

The tenancy agreement created obligations between the landlord and tenant, one of those obligations was to pay rent, and the respondent has failed to do so. There was submitted a rental statement showing the arrears due.

On the basis of the evidence submitted, I consider that I am entitled to make an order for the sum sued for.

Decision

I grant an order in favour of the applicant for FIVE THOUSAND POUNDS (£5,000.00) STERLING 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.

Where a Statement of Reasons is provided by the tribunal after such a request, the 30 day period for receipt of an application for permission to appeal begins on the date the Statement of Reasons is sent to them.

Melanie Barbour

Legal Member/Chair

9. 8. 18
Date