

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) (Housing and Property Chamber) under Section 16 of the Housing (Scotland) Act 2014

Chamber Ref: FTS/HPC/CV/18/0729

Re: Property at 1 The Hedges, Camelon, FK1 4DZ ("the Property")

Parties:

Mr Thomas Eadie, 5 Porteous Place, Redding, Falkirk, FK2 9GS ('the Applicant'), represented by Mrs Amanda Campbell, Belvoir Lettings

Ms Stacey Ellis, Ms Kristy Elsander, 1 The Hedges, Camelon, FK1 4DZ ('the Respondents')

Tribunal Member:

Joseph C Hughes (Legal Member)

Decision (in absence of the Respondents)

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

BACKGROUND

1. The Applicant presented an Application to the Tribunal seeking an Order for payment of arrears of rent in the sum of £1080.
2. The Application proceeded on the basis of a lease entered into between the parties 15th and 18th August 2017.
3. The rent is £360 per month.
4. Following upon the Application for Payment being made to the Tribunal a Case Management Discussion was assigned to take place on Thursday 7th June 2018.

CASE MANAGEMENT DISCUSSION

5. The Applicant did not attend. He was represented by Mrs Amanda Campbell from Belvoir Lettings.
6. Neither Respondent attended today. The Application and accompanying details had been intimated to both Respondents by sheriff officers on 8th May 2018 at their last known address.

7. The Legal Member sought clarification of the correct spelling of Ms Elsender's first name. After enquiry Mrs Campbell confirmed it is 'Kristy' rather than 'Kirtsy' having checked her paperwork and the copy of Ms Elsender's passport. This amendment was permitted by the Chair, there being no adverse prejudice to Ms Elsender.
8. Mrs Campbell confirmed that the Respondents' left the Property on 19th April 2018, their final date in accordance with their Notice to Quit. The whereabouts of the Respondents' is now unknown.
9. The Tribunal was satisfied that service had been legally effected upon the Respondents having regard to the terms of Section 26 of the Interpretation and Legislative Reform (Scotland) Act 2010. In particular, Section 26(4)(c) provides for service at the last known address of a party.
10. The Tribunal, being satisfied in terms of Rule 29 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 had been met, determined it was appropriate to proceed with the hearing in the absence of the Respondents.

FINDINGS IN FACT

11. The Tribunal made the following findings in fact:-
 - (a) That the Applicant was the Landlord of the Property and the Respondents' were the tenants;
 - (b) In terms of a lease entered into dated 15th and 18th August 2017, the Respondents' were required to make payment of rent to the Applicant;
 - (c) The Amount of rent due was £360 per month as at the date of Application to the Tribunal; and
 - (d) As at the date of the Application to the Tribunal, the Respondents were in arrears in the amount of three months' rent, namely £1080.

REASONS FOR DECISION

12. Rent lawfully due by the Respondents' to the Appellant had not been paid. Accordingly, the Applicant is entitled to an Order for Payment.

DECISION

13. An Order is granted for payment of the amount of ONE THOUSAND AND EIGHTY POUNDS STERLING (£1080).

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. J C Hughes

'Joseph C Hughes'
Legal Member and Chair

7th June 2018