



**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/18/3489**

**Re: Property at Flat 3, 3 McCormack Place, Larbert, FK5 4TU (“the Property”)**

**Parties:**

**Mr Stewart Christie, Mrs Allison Christie, 8 Robert Kay Place, Larbert, FK5 4FQ (“the Applicant”)**

**Mr Tom Robertson, 51 Willow Park Court, Airdrie, ML6 0DS (“the Respondent”)**

**Tribunal Members:**

**Andrew Cowan (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order should be granted for payment in the sum of TWO THOUSAND SIX HUNDRED AND EIGHTY POUNDS AND EIGHTY FOUR PENCE (£2680.84) in favour of the Applicant.**

**Background**

By application received on 24 December 2018, the Applicants sought an order under section 16 of the Housing (Scotland) Act 2014 and in terms of rule 70 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.

On 18 February 2019, the application was accepted by the Tribunal and referred for determination by the tribunal.

**The Case Management Discussion**

The Case Management Discussion (CMD) took place on 1 May 2019. The Applicants were represented by their solicitor, Mr Philip Anderson, Mailers, 2A King Street, Stirling, FK8 1BA.

The Respondent did not attend the CMD. Notice of the CMD had been served upon the Respondent by Sheriff Officers on 11<sup>th</sup> April 2019.

The Tribunal explained the purpose of the CMD and the powers available to the Tribunal to determine matters. The Tribunal asked various questions with regard to the application and the Applicants confirmed that they wished the Tribunal to grant the order sought in the application

### **Findings in Fact**

The Applicants and the Respondent are respectively the landlord and tenant that entered into a tenancy of the property on 18 August 2017.

The tenancy was a short assured tenancy in terms of the Act

The Tenancy commenced on 18<sup>th</sup> August 2019 and terminated on 17<sup>th</sup> March 2019.

As at the date of termination of the tenancy the Respondent had accrued arrears of rent amounting to £2975.00. The Landlord had applied the tenancy deposit to the arrears. The Tenancy deposit which had been paid by the Respondent amounted to £595. Accordingly the balance of rent arrears due by the Respondent at the termination of the tenancy (after the deposit sum had been credited to the rent account) amounted to £2380.00. The Applicant's representative confirmed that the Respondent has not paid any further sums towards the rent arrears.

The Applicant had incurred expenses as a consequence of the Respondents failure to pay rent. In terms of clause 2.3 of the Tenancy agreement between the parties the Respondent is liable for any reasonable costs incurred by the Applicant in pursuing the Respondent for payment of unpaid rent. The Applicant had incurred the costs of engaging Sheriff Officers to service statutory notices upon the Respondent at a cost of £60.84. The Applicant had incurred reasonable legal costs in pursuing the outstanding rent arrears. The reasonable legal costs amount to £240. The Tribunal determined that the Applicant is entitled to recover each of these costs in addition to the rent arrears due by the Respondent.

Accordingly the total sum due by the Respondent to the Applicant in respect of rent arrears and other expenses incurred amounts to £2680.84

### **Decision**

The order for payment of arrears is granted

## 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.

A Cowan

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Legal Member/Chair

1/5/19  
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Date