



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 18(1) of the Housing
(Scotland) Act 1988**

Chamber Ref: FTS/HPC/CV/19/0962

Re: Property at 4 Tay Court, Alloa, FK10 1QD (“the Property”)

Parties:

Mr Alistair Turner, 2 Hoggan Way, West James Street, Alva, FK12 5GG (“the Applicant”)

Miss Samantha Gray, 4 Tay Court, Alloa, FK10 1QD (“the Respondent”)

Tribunal Members:

Colin Dunipace (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 against the Respondent in favour of the Applicant in respect of arrears of rent in the sum of Three Thousand Four Hundred and Eighty Four Pounds and Eighteen Pence (£3,484.18) Sterling.

Background

1. By Application of 25 March 2019 the Applicant sought an Order from the Tribunal requiring the Respondent to pay the aforementioned sum in respect of arrears of rent. This Application was accepted by the Tribunal and the matter called before me at a Case Management Discussion on 23 May 2019. At this Discussion the Applicant was not present, but was represented by Mr Cullens of Messrs Jardin Donaldson, Solicitors. The Respondent was neither present nor represented.

The Case Management Discussion

1. This Application accordingly called as a Case Management Discussion in Stirling on 23 May 2019. As indicated above, the Applicant was represented at this Hearing by Mr Cullens, and the Respondent was neither present nor represented.
2. The Applicant sought an Order from the Tribunal in respect of the outstanding rent due in relation to the property. In this regard reference was made to a rent statement lodged by the Respondent, together with a copy Bank statement. Having regard same it was noted that the Applicant was entitled to the sum of £3,484.18 in respect of arrears of rent. It was noted that the Respondent has failed to avail herself of the opportunity to dispute the sums sought by the Applicant and that no defence had been put forward in this connection.

Findings in Fact

1. The parties entered into an Short Assured Tenancy in relation to the property at 4 Tay Court, Alloa, FK10 1QD on 29 April 2017. The Respondent leased the subject property from the Applicant. The monthly rental due in respect of this property was in the sum of £500 per month. This rent was subsequently reduced to £450 per month on 16 February 2018.
2. That the rent had been paid by the Respondent has been sporadic since May 2018. The amount outstanding in relation to unpaid rent due by the Respondent was in the sum of £3,484.18.

Findings in Fact and Law

1. The Applicant is entitled to the sum of £3,484.16 from the Respondent.

Reasons for Decision & Decision

Having heard from the solicitor for the Applicant, the Tribunal was satisfied that the Applicant was entitled to recover from the Respondent the full sum of £3,484.16 in respect of unpaid rent from 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.

C Dunipace

Legal Member/Chair

23/5/19

Date