

Housing and Property Chamber
First-tier Tribunal for Scotland



Decision on a Case Management Discussion of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ('The Procedure Rules) in relation to an application for civil proceedings relative to an Assured Tenancy under Rule 70 of the Procedure Rules.

Chamber Ref: FTS/HPC/CV/18/2935

Re: 55 Morton Road, Stewarton, KA3 3BQ ("the Property")

Parties:

Mario Dispasquale residing at 11 Hurlehill Court, Glasgow, G53 7TB ("the Applicant")

Jackson Boyd, Solicitors, 1st Floor, Centenary House, 69 Wellington Street, Glasgow, G2 6HG ('The Applicant's Representative')

Andrew Higgins, formerly residing at 71 Lothian Road, Stewarton, Kilmarnock, KA3 5BY and Amanda Davidson formerly residing at 39B Lainshaw Street, Stewarton, Kilmarnock, KA3 5BY and now residing together at 3 High Street, Stewarton, KA3 5BP ("the Respondents")

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

Tribunal Member: Jacqui Taylor (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that an order for payment would be issued requiring the Respondents to pay the Applicant the sum of £1500.

Background

1. The Applicant submitted an application to the Tribunal for payment of arrears of rent in the sum of £1500 being the sum outstanding as at 21st February 2018. The application explained that the parties entered into a Short Assured Tenancy Agreement on 22nd August 2017 for the period of six months. The rent due on 22nd of each month at the rate of £500. The Respondents did not make payment in November 2017. The Respondents vacated the Property on or about 11th December

2017 and posted the keys through the letter box without giving the required two months notice.

2. Documents lodged with the Tribunal.

Documents lodged with the Tribunal by the Applicant were:

2.1 A copy of the Tenancy Agreement.

2.2 A copy of a rent statement for the period 22nd August 2017 to 21st February 2018 which showed that the outstanding rent as 21st February 2018 amounts to £1500.

3. Case Management Discussion

This case called for a Case management Discussion (CMD) at 11.30 am on 10th April 2019 at Glasgow Tribunals Centre, 20 York Street, Glasgow.

The Applicant was not present but their representative Olivia Keenan, solicitor was present. She was accompanied by Holly Sloey who was observing.

The Respondents were not present and were not represented. The Respondents had been served with notice of the CMD by Graham Stewart, Sheriff Officers on 21st March 2019.

No written responses had been received from the Respondents.

4. The Tribunal identified with the Applicant's representative the following facts:

4.1 The Applicant is the Landlord of the Property.

4.2 The Respondents were Tenants of the Property in terms of the Short Assured Tenancy between the parties.

4.3 The term of the Tenancy was from 22nd August 2017 to 21st February 2018 and monthly thereafter.

4.4 Clause 18.3 of the lease states that the Tenants may terminate the lease by giving the Landlord two month's notice in writing to terminate the lease at its termination date.

4.4 The Tenant vacated the Property in December 2017, without giving the required two months notice.

4.5 The rent due in terms of the tenancy was £500 per month.

4.6 The Tenants did not pay the rent due for the period 22nd November 2017 to 21st February 2018, being a period of three months.

5. Requirements of Section 70 of the Procedure Rules.

5.1 In connection with the requirements of section 70 the application correctly detailed the requirements of section 70(i), (ii) and (iii) of the Procedure Rules namely:-

- (i) the name and address of the Applicant.
- (ii) the name and address of the Respondents.
- (iii) the reason for making the application.

5.2 The application had been accompanied by the documents specified in **Section 70(b)(i) and (ii) and (iii)** of the Procedure Rules being a copy of the lease and the statement of rent arrears.

6. Decision

6.1 The Tribunal found that the Respondents were contractually due to pay the rent due for the full term of the tenancy ie for the period 22nd August 2017 to 21st February 2018.

6.2 The Tribunal accepted as correct the evidence of the rent statement produced which showed the outstanding rent to be £1500, a copy of which had been provided to the Respondents.

6.3 The Tribunal determined that the outstanding rent due by the Respondents amounted to £1500 and accordingly they issued an Order for Payment in this sum.

J Taylor

..... Legal Member

10th April 2019