



**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/19/1000**

**Re: Property at 9 Colton Court, Dunfermline, Fife, KY12 8BH (“the Property”)**

**Parties:**

**Mr Grant James MacDonald, c/o Morgans, 33 East Port, Dunfermline, Fife, KY12 7JE (“the Applicant”)**

**Mr Grant M Taylor-Davidson, Ms Kayleigh J Grocock formerly residing at 9 Colton Court, Dumfermline, Fife, KY12 8BH and present whereabouts unknown, joint and severally (“the Respondent”)**

**Tribunal Members:**

**Melanie (Legal Member)**

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

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

**Background**

1. 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 the sum of £1,935 to the Applicant in relation to rent arrears due by the Respondents.
2. The application contained:-
  - a copy of the tenancy agreement, and
  - a copy of the Respondents rent statement.
3. The Applicant’s agent appeared Ms Kettles, of Morgans Solicitors. There was no appearance from either of the Respondents.

4. Notice of the Hearing had been made on the Respondents by service by advertisement between 23 May 2019 and 1 July 2019. I was satisfied that service had taken place I was prepared to proceed with today's case management discussion.

#### Hearing

5. The Applicant advised that the Respondents had moved into the Property 18 November 2016. There was a tenancy agreement between the parties lodged with the application. It showed that the tenancy commenced 18 November 2016. She advised that there were no longer residing in the Property and there was unpaid rent amounting to £1935. She advised the monthly rental is set out in the lease agreement namely £450 per month payable in advance.
6. She advised that she had submitted a rental account showing all payments made and the outstanding rent due. The deposit had been recovered and had been paid towards unpaid rent. The last payment made by the Respondents was £5 on 1 November 2018.
7. She advised that Mr Taylor Davidson had advised that he would repay all of the arrears however he had failed to do so.
8. She advised that the current arrears are still those set out in the application namely £1935.

#### Findings in Fact

9. The Tribunal found the following facts to be established:
10. A tenancy agreement was entered into between the Applicant and the Respondents for the Property and existed between the parties. It was entered into on 18 November 2016.
11. Clause 4 in the tenancy agreement provided that rent was £450 per calendar month. The first rental payment was due on the date of entry and on the same date every calendar month thereafter.
12. That the rental statement showed amounts due each month, amounts received, and rent outstanding.
13. That the rental statement showed total rent arrears outstanding as at 18 December 2017 being £1935.00.
14. That it appeared that there had been no payments towards the rent arrears other than those shown on the rent statement.

### Reasons for Decision

15. Section 16 of the Housing (Scotland) Act 2014 provides that the First Tier Tribunal has jurisdiction in relation to actions arising from a number of tenancies, including those arising under an assured tenancy within the meaning of section 12 of the Housing (Scotland) Act 1988.
16. As this tenancy is an assured tenancy I am content that I have jurisdiction to deal with this case.
17. There was no response or appearance from the Respondents but service had taken place by advertisement.
18. The tenancy agreement created obligations between the parties, one of those obligations was to pay rent, and the Respondents have failed to do so. There was submitted a rental statement showing the arrears due and additional information was provided today by the Applicants as to the current rent arrears outstanding as at today's date.
19. On the basis of the evidence submitted and having regard to all papers submitted including the application, I consider that I should make an order for the sum sued for.

### Decision

20. I grant an order in favour of the Applicant for ONE THOUSAND NINE HUNDRED AND THIRTY FIVE POUNDS (£1935.00) STERLING against the Respondents.

### **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.**

  
Legal Member/Chair

1/7/19  
\_\_\_\_\_  
Date

~~\*Insert or Delete as required~~