



**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/18/1403

Re: Property at Flat 1/1 270 Inverkip Road Greenock PA16 0XR("the Property")

Parties:

Lochscape Properties LLP ("the Applicant")

Miss Kerry Beer Flat Ground 1 14 Lyle Street Greenock PA15 4QG

Mr David McLellan Flat Ground 1 14 Lyle Street Greenock PA15 4QG ("the Respondents")

Tribunal Members:

Jan A Todd (Legal Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that an order for payment of the sum of Sum of One thousand two hundred and seventy two pounds and thirty two pence (£1272.32) should be made

- **Background**

This is an application for an order for payment of rent arrears amounting to £1,272.32.

The case called for case management discussion on 22nd February at 11.30 am at the Gamble Halls in Gourock. The Applicant was represented by Mrs Anne Louise Young a Partner of the Applicant. She was accompanied by her husband and partner Mr David Young. The Respondents were not present or represented.

The Respondents have been served with a copy of the application and corresponding papers by personal service by Sheriff Officer on 4th February 2019.

Ms Young advised she was seeking an order for payment of the rent arrears and was looking for payment of expenses in raising this action. The Convenor explained that a claim for expenses should be made in the application so that the Respondents have an opportunity to comment or respond to this as well as to respond to the principle claim. The Convenor also explained that in terms of the Tribunal rules the Tribunal may only award expenses where that party has through unreasonable behaviour in the conduct of the case has put the other party to unnecessary expense or unreasonable expense. The Convenor advised that in this case no response from the Respondents would not normally be considered unreasonable behaviour and has not caused the Applicant any more expense in pursuing this application. In addition expenses had not been sought in the application. Ms Young agreed that in light of this she would not seek to amend her application to seek expenses but commented it would have been helpful had this been explained in the Tribunal's guidance notes.

- **Findings in Fact**

The Property was let by the Applicant to the Respondents in terms of Short Assured Tenancy executed on 3rd October 2017 and commencing 4th October 2017.

There are arrears of rent amounting to £1272.32.

The Respondents left the Property on or around 3rd June 2018.

- **Reasons for Decision**

The Applicant produced a rent statement and bank statements showing the Respondents had made several payments towards their rent, but had missed 2 payments in January 2018 and February 2018 and had also not paid for May/June 2018 leaving a shortfall of £1272.32 calculated up to 3rd June 2018 when the Applicants believe the Respondents left the property.

There being no evidence from the respondents to counter this the Tribunal finds that rent arrears are established.

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.

Jan A Todd

22/2/19

Legal Member/Chair

Date