



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber)**

Reference number: FTS/HPC/CV/19/2453

Property: 14 Whistleberry Lane, Hamilton, ML3 0QF

Parties:

Colin McCaffrey and Sally McCaffrey, spouses, residing together at 6 Hunterlees Gardens, Glassford, Strathaven ML10 6GE (“the Applicants”)

Susan Johnstone, formerly residing at 189 Calder Glen Courts, Mull, Airdrie. Lanarkshire and whose present whereabouts are unknown (“the Respondent”)

Tribunal Members:

Paul Doyle (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment should be made.

Background

The Applicant sought an order for payment of rental arrears totalling £235.41. The Applicant had lodged with the Tribunal Form F. The documents produced were a Tenancy Agreement, a form AT5 and a rent statement. An extract from the land register was produced which confirms that the applicants are the heritable proprietors of the property.

Case Management Discussion

A case management discussion took place before the Tribunal at 2pm on 6 December 2019 at the Glasgow Tribunals Centre, 20 York street, Glasgow G2 8GT. The Applicants were represented by Ms H Sloey, trainee solicitor. There was no appearance by or on behalf of the Respondent. The details of today’s case management discussion have been timeously and correctly intimated to the respondent.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicants and the Respondent entered into a Short Assured Tenancy Agreement for the Property on 28 November 2015. That tenancy ended on 30 April 2019.
2. The initial rent in terms of the Tenancy Agreement was £575 per month.
3. The respondent failed to pay the full monthly rental from 4 March 2019. At 24 July 2019 arrears of rent totalled £235.41. At today's date there are arrears of rental totalling £235.41
4. Notice of the date of this hearing was served on the Respondent by advertisement on 1 November 2019 because her whereabouts are unknown.
5. The respondent makes no response to this application. The tenancy ended by agreement on 30 March 2019. By that time there were arrears of rent totalling £235.41. The respondent has not made any payment towards that outstanding sum.

Reasons for the Decision

The Tribunal determined to make an Order for payment of £235.41. Rent was lawfully due in terms of clause 2.1 of the Tenancy Agreement at the rate of £575 per month. The respondent started to fall into arrears on 4 March 2019 and when the tenancy agreement terminated there were arrears of rent totalling £235.41. That sum remains unpaid and is due and resting owing to the applicants.

Decision

For the foregoing reasons, the Tribunal determined to make an Order for payment.

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.

P Doyle

Legal member



Date 6 December 2019