

Housing and Property Chamber
First-tier Tribunal for Scotland



Decision 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/18/2659

Re: Property at 62 Coronation Road, Drongan, Ayrshire, KA6 7DB (“the Property”)

Parties:

Mr Gordon Brown, Mrs Dorelle Monan, 5 Morton Drive, Dalrymple, Ayr, KA6 6QA (“the Applicants”)

Mr James Stobbs, 62 Coronation Road, Drongan, Ayrshire, KA6 7DB (“the Respondent”)

Tribunal Members:

Lesley Dowdalls (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order be granted for payment by the Respondent to the Applicants in the sum of £1980, being payment in respect of arrears of rental payments to the date of this application in terms of lease agreement entered into by the parties on 19th October 2016.

The Respondent did not make representations in writing and did not attend today.

Ms Caldwell, paralegal represented the Applicants. She provided the following documents:

1. Lease agreement dated 19th October 2018
2. Rent statement dated 4th October 2018
3. Updated rent statement to 28th October 2018

Paragraph 4.1 of the lease agreement clearly specifies the contractual arrangement in respect of payment of rent. The Respondent has breached the terms of the contract by non-payment of rent since 19th June 2018.

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Ms Caldwell asked the tribunal to grant the order for payment in terms of the updated rent statement showing arrears of £2,142.70. The Respondent had vacated the property on 28th October 2018. The Applicants were aware of his new address but had not served notice of the amended sum sought upon him. In the circumstances, the tribunal refused the motion to allow the sum to be amended.

An order for payment was granted in the sum of £1,980, conform to the rent statement produced with the application and notified to the Respondent, and in terms of the application lodged on 4th October 2018.

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.

Since an appeal is only able to be made on a point of law, a party who intends to appeal the tribunal's decision may wish to request a Statement of Reasons for the decision to enable them to identify the point of law on which they wish to appeal. A party may make a request of the First-tier Tribunal for Scotland (Housing and Property Chamber) to provide written reasons for their decision within 14 days of the date of issue of this decision.

Where a Statement of Reasons is provided by the tribunal after such a request, the 30 day period for receipt of an application for permission to appeal begins on the date the Statement of Reasons is sent to them.

Lesley Dowdalls

Legal Member/Chair

4th December 2018
Date