



**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/18/2725

**Re: Property at 2/2 Duncan Court, 30 Royal Street, Gourock, PA19 1PW (“the
Property”)**

Parties:

**Mr Graham Duncan, Seafield, Finnockbog Road, Inverkip, PA16 0BD (“the
Applicant”)**

**Mr Edward Swanson, 9 Eccles Road, Hunters Quay, Dunoon, PA23 8LA (“the
Respondent”)**

Tribunal Members:

Eleanor Mannion (Legal Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that an order in the sum of £1,500 be granted as against
the Respondent.**

The Application before the Tribunal is for rent arrears under Rule 70 of The First-Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Chamber Rules”). The Applicant was in attendance and representing himself. The Respondent was not in attendance and had not engaged in the process to date. Notification of the Case Management Discussion and a copy of the papers had been served on the Respondent by Sheriff Officers on the 15th November 2018. Additional time was allowed at the start of the hearing to give the Respondent the opportunity to attend.

The Applicant confirmed that he was the landlord for the property at 2/2 Duncan Court, 30F Royal Street, Grourock, PA19 1PW and the management of the property is handled by a letting agent. He confirmed that the Respondent had been in the property since October 2016. In relation to the rent, he stated that the Respondent had been in and out of work and this affected the rental payments. He stated that he

gave the Respondent extra leeway as a matter of courtesy, to give him the opportunity to be in a position to pay, particularly as at the weekend the Respondent had his son staying with him. For this reason the Applicant did not want to go down the route of eviction. He advised that the rent became more sporadic and arrears began to mount up. He advised that an agreement was reached between the parties that the Respondent would move out and a payment plan would be set up, at the Respondent's suggestion, to deal with the arrears. It was also agreed that the security deposit of £465 would be put against the rent arrears.

The Applicant confirmed that the Respondent moved out of the property on the 6th July 2018 and at that point, rent in the sum of £1,965 was outstanding. This was set out in the rent account which was lodged with the initial application. He confirmed that the Respondent had not made any payments under the proposed repayment plan and that the rent was outstanding as per the rent account. He stated that he attempted to contact the Respondent prior to lodging the application, sending him two letters by recorded delivery and calling him but there was no response. He confirmed he was seeking an order for the sum of £1,500 as he will use the deposit to offset the rent.

Taking into consider the options that are available to me, the papers before me and the submissions made by the Applicant, I decided to grant an order in favour of the Applicant in the sum of £1,500 which represents rent arrears from October 2017 to July 2018 when the tenancy came to an end.

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.

Eleanor Mannion

Legal Member/Chair

5th Dec 2018

Date