



**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/18/2641

Re: Property at 7 Kingsmills Court, Elgin, IV30 4EW (“the Property”)

Parties:

**Mr Stephen Parker, Mrs Gillian Parker, L'Abbaye des Chateliers, 79340,
Fomperron, France (“the Applicants”)**

Mrs Dorata Ofat, 7 Kingsmills Court, Elgin, IV30 4EW (“the Respondent”)

Tribunal Members:

Rory Cowan (Legal Member)

Decision in absence of the Respondent

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that the Applicants are entitled to a payment order in
the sum of £2,650**

- Background

By application received by the tribunal on 3 October 2018 the Applicants applied to the First-tier Tribunal under Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (as amended) (the Rules). The claim was initially for rent arrears and a claim for interest at the rate of 8% per annum. The application was accompanied by a tenancy agreement dated 7 July 2015, a summary rental account and a selection of bank statements. Subsequent to that, the Applicants lodged with the tribunal a further rent statement on 25 February 2019 and another rent statement on 11 April 2019.

- The Case Management Discussion

A Case Management Discussion (CMD) took place on 15 April 2019. The Applicants attended the CMD by way of conference call and a Mrs Katie Ramsay attended in person on their behalf to observe and assist the tribunal if required. The Respondent

did not attend, nor was she represented. No written responses were lodged on her behalf. Papers were served on the Respondent by way of sheriff officer on 26 March 2019. The Applicants moved to have the sum claimed increased to reflect the current arrears of £5,030 in terms of Rule 14A of the Rules. The Applicants indicated that, whilst updated rent statements had been handed to the Respondent they had not intimated the intention to amend the sum claimed. The tribunal could not be satisfied that the Respondent was aware of the Applicants intention to increase the sum claimed. The Applicants indicated that, rather than have a continued CMD, they would simply seek a payment order in the sum of £2,650 being the sum intimated in the original application. The Applicants indicated that they would constitute a fresh claim for the balance of the arrears. The Applicants also indicated that they waived any claim for interest and were therefore not insisting on that.

- Findings in Fact

- 1) That the parties entered into a tenancy agreement relative to the property at 7 Kingsmills Court, Elgin, IV30 4EW.
- 2) That the rent payable under the tenancy agreement was £450.
- 3) That as at 7 September 2018, the Respondent was in arrears of rent to the sum of £2,650.
- 4) That the Applicants are entitled to a payment order in the sum of £2,650.

- Reasons for Decision

The Respondent has failed to pay rent due for the Property as set out in the rent schedule lodged by the Applicants. She was in arrears of rent to the sum of £2,650 as at 7 September 2018. Further arrears have accrued since that date, which do not form part of this application. The Applicants are therefore entitled to a payment order in the sum of £2,650.

- Decision

The Applicants are entitled to a payment order in the sum of £2,650 against the Respondent.

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.

Mr Rory Cowan

Legal Member/Chair

Date

15th April 2019