

Housing and Property Chamber
First-tier Tribunal for Scotland



**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/18/0286

Re: Property at 74 Strafford Road, Greenock, PA16 0TE ("the Property")

Parties:

Mr David Pickett, Janefield West, Langbank, Port Glasgow, PA14 6XP ("the Applicant")

Ms Jacqueline Jenkins, 74 Strafford Road, Greenock, PA16 0TE ("the Respondent")

Tribunal Members:

Nicola Irvine (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that the Applicant is entitled to the Order sought for payment of £1,250.

Background

The Applicant submitted an application seeking an order for payment from the Respondent in the sum of £1,800 in respect of rent arrears. This was in terms of a tenancy agreement between the parties in respect of property at 74 Stafford Road, Greenock, PA16 0TE. The Tribunal intimated the application to the Respondent on 10th March 2018 and advised her of the date, time and place of today's case management discussion. In that letter, the Respondent was advised that any written representations she wished to make should be sent to the Tribunal by 28th March 2018. No written representations were received by the Tribunal. The Respondent was told that she required to attend the case management discussion and was informed that the Tribunal could make a decision today on the application if the Tribunal has sufficient information and considers the procedure to have been fair.

The Case management discussion

The hearing took place in the absence of the Respondent. The Applicant was represented by Mr Slack, Solicitor. The rent statement lodged showed arrears of £1,800 as at 1st February 2018. Mr Slack advised that the Applicant has applied for return of the deposit of £550 and that has been approved. In those circumstances, the Applicant sought payment for the reduced sum of £1,250 being the rent arrears, less the deposit.

Findings in fact

1. The Applicant and Respondent entered into a tenancy agreement dated 29th September 2017. The period of the tenancy was from 29th September 2017 to 29th March 2018. The rent payable was £450 per calendar month, payable in advance. The Respondent paid a deposit of £550.
2. The Respondent failed or at least delayed to make payment of the rent.
3. The arrears outstanding as at 1st February 2018 were £1,800.

Reason for Decision

The Tribunal proceeded on the basis of the written documents which were before it. The Applicant's solicitor invited the Tribunal to make the Order for payment in the reduced sum of £1,250. There was nothing before the Tribunal challenging or disputing any of the evidence before it.

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.

Nicola Irvine

Legal Member/Chair

9.4.18

Date