

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 (the 2014 Act)

Chamber Ref: FTS/HPC/CV/18/1825

Re: Property at 21 Foulford Street, Cowdenbeath, Fife, KY4 9NB (“the Property”)

Parties:

Mrs Sandra Ferguson, 37 Arthur Place, Cowdenbeath, Fife, KY4 8NR (“the Applicant”)

Mr Ross Donoghue, Ms Nichola O'Donnell, 107 Sinclair Drive, Cowdenbeath, KY49RG (“the Respondent”)

Tribunal Members:

Yvonne McKenna (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Respondents be ordered to pay the sum of £1230.00 to the Applicant.

Background

This is an application for payment in respect of an assured tenancy under section 16 of the 2014 Act and Rule 70 of the Tribunal Procedure Rules.

The Tribunal had regard to the following documents:-

1. Tenancy Agreement dated 31st July 2014.
2. Copy Bank Statements of the Applicant
3. Schedule of rent arrears
4. Application dated 16th July 2018

Case Management Discussion (CMD)

The case called for a CMD on 18th July 2019. It had been continued from a previous two CMDs which took place on 15th April and 28th May 2019 to enable the Applicant to lodge with the Tribunal the full Lease Agreement and a rent arrears statement.

The Applicant appeared at the CMD together with her daughter who was present to support her. The Respondents were not present. The Tribunal had been provided with an up-to-date address for the Respondents and they had been served with notice of the proceedings today by sheriff officers. The Tribunal was satisfied that the Respondents had due notice of the proceedings.

The Applicant said that the Respondents had vacated the Property in the first week of August 2018 when the tenancy came to an end. She had not received any rent for the months of June and July 2018. The rent due was £650 per month. She had received the sum of £70 from Carnegie College by way of student support for the Respondents which was credited to the rent account and accordingly she invited the tribunal to grant an order for payment in the sum of £1230.00.

In the circumstances the Tribunal ordered payment of the amount sought.

Findings in Fact

- 1 The Respondents held an assured tenancy in respect of the Property.
2. The Lease commenced on 31st July 2014.
3. The rent due in terms of the tenancy agreement was £650 per calendar month
4. The account fell into arrears over the months of June and July 2018 when no rent was paid.
5. The Applicant received the sum of £70 by way of student support for the Respondents from Carnegie College on 17th May 2018 to cover this period.
6. There is outstanding rent due of £1230.00

Decision

The Tribunal ordered the Respondents to pay the Applicant the sum of £1230.00

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.

Yvonne Mckenna

Legal Member/Chair

18/07/19

Date