



**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 of the**

Chamber Ref: FTS/HPC/CV/20/1428

Re: Property at 66 Ardross Place, Glenrothes, Fife, KY6 2SQ (“the Property”)

Parties:

Mr David Bright, 5 Birch Crescent, Blairgowrie, Perth, PH10 6TS (“the Applicant”)

**Sandra Green, Mr Andrew Tully, 66 Ardross Place, Glenrothes, Fife, KY6 2SQ;
66 Ardross Place, Glenrothes, Fife, KY6 2SQ (“the Respondent”)**

Tribunal Members:

Richard Mill (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 against the Respondent(s) for payment of the undernoted sum to the Applicant :

Sum of THREE THOUSAND SIX HUNDRED AND SEVENTY FIVE POUNDS AND SEVENTY ONE PENCE STERLING (£3,675.71)

Introduction

This is an application under Rule 70 and s16 of the Housing (Scotland) Act 2014 which seeks a payment order in respect of arrears of rent under a short assured tenancy.

A Case Management Discussion (CMD) took place by teleconference on 25 August 2020 at 11.30 am.

The Applicant, Mr David Bright, joined the CMD personally and he was represented by Ms Helen Cowser of Fife Letting Service.

The Respondents, Mr Andrew Tully and Ms Sandra Green, did not participate in the teleconference. They are known to remain in the property. Service of the application was made upon the Respondents by Sheriff Officer delivery on 5 August 2020. No steps were taken by them thereafter to lodge any response or representations. There was no barrier to their participation.

The CMD was listed at 11.30 am and commenced at 11.40 am.

Findings and Reasons

The Property is 66 Ardross Place, Glenrothes, Fife KY6 2SQ. The Applicant is the landlord. The Respondents are the joint tenants.

The parties entered into a short assured tenancy which commenced on 28 July 2017. The monthly rent was fixed at £525 per month.

The Respondents have failed to make payment of the contractual rent payments under the lease which they are legally obligated to pay. The Applicant is entitled to recover rent legally due under the lease.

The application when lodged, was accompanied by a rent statement which shows a total balance outstanding of £3,675.71. This is the sum sought. Numerous payments have been made in varying sums by both the Respondents and by the DWP in terms of Universal Credit payments. This explains the odd figure claimed. There is however a significant shortfall as claimed.

The Tribunal relied upon the oral submissions of the Applicant's representative together with the documentary evidence. The rent statement was found to be a credible and reliable document and weight was attached to it. Neither the application nor any of the evidence is challenged. The applicant is entitled to recover arrears of rent legally due under the lease. A payment order in the sum of £3,675.71 is made.

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.

Richard Mill

25 August 2020

Legal Member/Chair

Date

*Insert or Delete as required

