



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 of the Private Housing (Tenancies)(Scotland) Act 2016**

**Chamber Ref: FTS/HPC/CV/21/0895**

**Re: Property at 53 Canal Street, Salcoats, KA21 5JA (“the Property”)**

**Parties:**

**Hovepark Properties, Flat 2, 9 Adelaide Crescent, Hove, East Sussex, BN3 2JE (“the Applicant”)**

**Mr Ian Davidson, UNKNOWN, UNKNOWN (“the Respondent”)**

**Tribunal Members:**

**Gabrielle Miller (Legal Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant was entitled to an order for payment from the Respondent amounting to £3643.19 (THREE THOUSAND SIX HUNDRED AND FORTY THREE POUNDS AND NINETEEN PENCE)**

1. An application was received by the Housing and Property Chamber dated 13<sup>th</sup> April 2021. The application was submitted under Rule 111 of The First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on the Respondent not maintaining rent payments.
2. Service by Advertisement was conducted for the Respondent from 6<sup>th</sup> September 2021 to 4<sup>th</sup> October 2021.

**The Case Management Discussion**

3. A CMD was held 4<sup>th</sup> October 2021 at 2pm by teleconferencing. The Applicant was represented by Miss Lynsay Hughes, Hovepark Lettings. The Respondent was not present. The Tribunal proceeded in terms of Rule 29 of

the Rules. The Respondent did not make representations in advance of the hearing.

4. Miss Hughes confirmed to the Tribunal that the Applicant was the owner of the Property from the start of the tenancy on 29<sup>th</sup> March 2019 to when it was sold on 17<sup>th</sup> December 2020. The last full day of ownership was 16<sup>th</sup> December 2020. The Tribunal was not satisfied that the Applicant could make an application for the full amount that was outstanding which included rent arrears for a period when the Applicant did not have ownership of the Property. The new owners would have to make a separate application. This was unless there was any assignation of the debt between parties. Miss Hughes did not believe that there was any such agreement.
5. Miss Hughes accepted this point and will consider raising an new application. A calculation of arrears had been made up to and including 29<sup>th</sup> December 2020. The amount outstanding at that point was £3812.47. It was calculated that the daily rental rate was £13.02. 16 days at this rate was deducted from the total due on 29<sup>th</sup> December 2020. This meant the outstanding about totalled £3643.19.
6. The Tribunal was satisfied that the outstanding amount for £3643.19 was due to the Applicant by the Respondent for arrears up to and including 16<sup>th</sup> December 2020 and that it was appropriate to grant an order accordingly.

#### Findings and reason for decision

7. A Private Rented Tenancy Agreement commenced 29<sup>th</sup> March 2019.
8. The Respondent persistently failed to pay her rent charge of £395 per month. The rent payments were due to be paid on 29<sup>th</sup> day of each month.
9. There are no outstanding Housing Benefit issues.
10. The arrears outstanding total £4893.20 of which £3643.19 is due to the Applicant.

#### Decision

11. The Tribunal found that the Applicant was entitled to be granted an order for payment amounting to £3643.19 .

#### **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.

# G Miller

4<sup>th</sup> October 2021

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Legal Member/Chair

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Date