



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/21/0843

Re: Property at 37 Alltan Place, Culloden, Inverness, IV2 7TB (“the Property”)

Parties:

Ms Jill McClounan, 14 Burn Brae Place, Westhill, Inverness, IV2 5TA (“the Applicant”)

Mr Scott Forbes, 84 Kessock Avenue, Inverness, IV3 8BA (“the Respondent”)

Tribunal Members:

Melanie Barbour (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that

Background

1. An application was made to the First Tier Tribunal for Scotland (Housing and Property Chamber) under Rule 70 of the First Tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017 (“the 2017 Rules”) seeking an order for payment in relation to unpaid rent.
2. The application contained:-
 - a copy of part of the tenancy agreement
 - bank statement
 - 4 week notice letter
 - Notice to quit
 - AT6
3. At the case management discussion, the Applicant appeared. There was no appearance by the Respondent. Before the tribunal was a copy of a sheriff

officers' certificate of service, showing that the application and notice of the case management discussion had been served on the respondent, I was therefore prepared to proceed with the discussion in the respondent's absence.

Discussion

4. The Applicant advised that she was still seeking an order for payment for rent arrears of £7,150.00. She advised that there had been no payments from the Respondent since she had lodged the application.
5. In relation to the deposit she confirmed that this had been paid to her however there had been damages to the property caused by the Respondent and the costs of the damages amounted to more than £600. The full rent arrears were therefore still outstanding. She advised that none of the deposit could be put towards the rent arrears given the costs of the damages.
6. She advised that the rent arrears had accrued from 1 March 2020 to 30 March 2021. She advised that the date of termination of the tenancy was about 30 March 2021.
7. The Applicant advised that the Respondent was well aware of the rent arrears and that they were still outstanding. The Respondent had texted the Applicant about the rent arrears and had offered to set up a direct debit but then did not do so.

Findings in Fact

8. The Tribunal found the following facts to be established:
 - a) A tenancy agreement was entered into between the Applicant and the Respondent for the property. It commenced on or before 4 April 2015.
 - b) It ended sometime in or around 30 March 2021.
 - c) Clause 4 of the tenancy agreement provided that monthly rent was £550.
 - d) The bank statement showed amounts to rent being paid into Applicant's bank account until 4 February 2020.
 - e) That it appeared that there had been no payments to rent from 4 February 2020.
 - f) That rent arrears from 1 March 2020 up to 30 March 2021 totalled £7,150.

Reasons for Decision

9. Section 16 of the Housing (Scotland) Act 2014 provides that the First Tier Tribunal has jurisdiction in relation to civil proceedings arising from assured tenancies. As this tenancy is an assured tenancy, I am content that I have jurisdiction to deal with this case.
10. The tenancy agreement created obligations between the parties including, the obligation to pay rent. The Respondent had failed to pay his rent.
11. Based on the evidence before me and having regard to the papers submitted including the application, I consider that I should make a payment order of £7,150.00.

Decision

12. I grant an order in favour of the Applicant for the Sum of SEVEN THOUSAND POUNDS ONE HUNDRED AND FIFTY POUNDS (£7,150.00) STERLING.

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.

Melanie Barbour

14 June 2021

Legal Member/Chair

Date