



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/22/0812

Re: Property at 13 Booth Avenue, Rosyth, Fife, KY11 2UE (“the Property”)

Parties:

Mr Steven Ferguson, 23 Keavil Farm Steadings, Crossford, Fife, KY12 8QW (“the Applicant”)

Mr Daniel Scott Sheridan, Ms Mary Teresa Lawrence, UNKNOWN, UNKNOWN (“the Respondent”)

Tribunal Members:

Fiona Watson (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order is granted against the Respondents for payment of the undernoted sum to the Applicant:

Sum of THREE THOUSAND TWO HUNDRED AND THIRTY-ONE POUNDS AND TWENTY-NINE PENCE (£3,231.29) STERLING

- Background
- 1. An application was submitted to the Tribunal under Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”), seeking a payment order against the Respondents in relation to rent arrears accrued under a short assured tenancy agreement.
- The Case Management Discussion
- 2. A Case Management Discussion (“CMD”) took place on 20 July 2022 by tele-conference. The Applicant was personally present. There was no appearance

by or on behalf of the Respondents. The application had been intimated on the Respondents by Sheriff Officer on 25 May 2022. The Tribunal was accordingly satisfied that the Respondents had been duly notified of the date and time of the CMD and that the CMD could proceed in the Respondents' absence.

3. The Applicant moved for the order for payment to be granted in the sum of £3,231.29. The parties had entered into a Short Assured Tenancy Agreement which commenced 27 October 2017. The Respondent had failed to make payment of rent and had fallen into arrears amounting to £2,300 at the time the application was submitted. The Respondents vacated the Property in May 2022 at which point the arrears had increased to £3,231.29. The Respondent had emailed the Tribunal administration on 21 June 2022 advising of the Respondents' departure, of the increased rent arrears due and his intention to seek the increased sum. The Tribunal accordingly treated said email as an application under Rule 14A. The Respondents had not entered into any arrangements for repayment of the rent due.

- Findings in Fact

4. The Tribunal made the following findings in fact:

- (a) The parties entered into a Short Assured Tenancy Agreement ("the Agreement") which commenced 27 October 2017;
- (b) In terms of Clause 4.1 of the Agreement, the Respondents were obliged to pay a monthly rent of £510 to the Applicant;
- (c) The Respondents had failed to make payment of rent as fell lawfully due, and had accrued arrears amounting to £3,231.29

- Reasons for Decision

5. The Tribunal was satisfied that the Applicant was entitled to the sum as sought. The Respondents were obliged to make payment of rent in the sum of £510 per month under Clause 4.1 of the Agreement and had failed to do so. They had accrued arrears amounting to £3,231.29 and which fell lawfully due to be repaid to the Applicant. Accordingly, the Applicant was entitled to the Order for Payment as sought.

- Decision

6. The First-tier Tribunal for Scotland (Housing and Property Chamber) granted an order against the Respondent(s) for payment of the undernoted sum to the Applicant(s):

Sum of THREE THOUSAND TWO HUNDRED AND THIRTY-ONE POUNDS
AND TWENTY-NINE PENCE (£3,231.29) 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.

Fiona Watson

Legal Member/Chair

Date: 20 July 2022