



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the Private Housing (Tenancies)(Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/20/0006

Re: Property at 6F Cruachan Place, Bellfield, Kilmarnock, KA1 3TD (“the Property”)

Parties:

Mr Lithgow Wilson, 81 Loreny Drive, Kilmarnock, KA1 4RH (“the Applicant”)

Mr Gary Lowe, 6F Cruachan Place, Bellfield, Kilmarnock, KA1 3TD (“the Respondent”)

Tribunal Members:

John McHugh (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment of the sum of £3875 should be made.

Background

The Applicant is the landlord and the Respondent is the tenant of the Property in terms of a short assured tenancy dated 14 July 2017.

The Case Management Discussion

A Case Management Discussion (“CMD”) took place at the North West Kilmarnock Centre on 27 February 2020.

The Applicant was represented by Jennifer McGovern, solicitor.

The Respondent was absent.

The Applicant's representative sought to amend the application in terms of Rule 14A of the Tribunal Procedure Rules to seek payment of the sum of £3875. Rule 14A requires that 14 days' notice of any amendment should be given. The Applicant's representative produced a copy of a recorded delivery letter dated 27 January 2020 which had intimated the proposed amendment to the Respondent.

Findings in Fact

The Applicant is the landlord and the Respondent is the tenant of the Property in terms of a short assured tenancy dated 14 July 2017.

Rent was payable by the Respondent at the rate of £400 per month. Rent arrears up to the date of the application amounted to £3475.

Further rent has accrued in the sum of £400.

No rent has been paid since June 2019.

Reasons for Decision

Rent is due and unpaid under the tenancy agreement in the sum of £3875.

Decision

An order for payment by the Respondent to the Applicant of the sum of £3875 should be 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.

John McHugh

John McHugh, Legal Member/Chair

27 February 2020

Date