

Housing and Property Chamber
First-tier Tribunal for Scotland



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/19/1670

Re: Property at 56E Whiteford Avenue, Dumbarton, G82 3JH (“the Property”)

Parties:

Mr Christopher Willars, c/o Lomond Letting Ltd, 68 East Clyde Street, Helensburgh, G84 7PG (“the Applicant”)

Ms Sheena Ward, 2F Kyle Terrace, Dumbarton, G82 5DU (“the Respondent”)

Tribunal Members:

Andrew Upton (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Respondent is liable to make payment to the Applicant in the sum of FIVE HUNDRED AND ELEVEN POUNDS AND FIFTY EIGHT PENCE (£511.58) STERLING

STATEMENT OF REASONS

1. This application called before me for a Case Management Discussion on 9 October 2019. The Applicant was represented by Ms Anderson of Lomond Letting Ltd. The Respondent was neither present nor represented.
2. The application is straight forward. The Applicant asserts that the Respondent was his tenant under and in terms of an Assured Tenancy Agreement. The Respondent gave notice to quit the property. She left earlier than the expiry of the required notice, and did not pay any rent for the period after her removal until the expiry of her notice. The Applicant now seeks an order for payment of a sum equivalent to the unpaid rent.

3. The Respondent has been served with a copy of the application and has chosen not to appear or be represented. I therefore consider that the facts of the case, as set out in the application, are not in dispute.
4. I had one matter that I wished to have clarified, and am grateful to Ms Anderson for her assistance. A tenancy deposit had been taken in this case. Ms Anderson advised that this had been lodged with Letting Protection Scotland, a tenancy deposit scheme administrator, and the totality of the deposit had been paid to the Applicant following the Dispute Resolution process due to the need for repair following the end of the tenancy. As such, I am told that no part of the deposit was available to apply to rent arrears.
5. I am satisfied that the Respondent has failed to pay all rent due under the tenancy agreement, and that the sum owed by her to the Applicant is the uncontested sum of £511.58. I accordingly determined that an order for payment of that sum by the Respondent to the Applicant should be granted.

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.

Andrew Upton

9 October 2019

Legal Member/Chair

Date