

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 71(1) of the Private Housing (Tenancies)(Scotland) Act 2016.

Chamber Ref: FTS/HPC/CV/19/1963

Re: Property at 49c Royal Street, Gourock, PA19 1PP (“the Property”)

Parties:

Mr Philip Johnson, Flat 2/1, 61 Orleans Ave, Glasgow, G14 9NG (“the Applicant”)

Miss Lynsay Robertson, 49c Royal Street, Gourock, PA19 1PP (“the Respondent”)

Tribunal Members:

Lesley Ward (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the respondent shall make payment to the applicant of the sum of two thousand seven hundred and sixty nine pounds and twenty pence (£2769.20).

This is a case management discussion ‘CMD’ in connection with an application in terms of rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, ‘the rules’ and s71 (1) of the Private Housing (Tenancies)(Scotland) Act 2016, ‘the Act’ to recover rent arrears for the property at 49c Royal Street Gourock PA19 1PP, ‘the property’.

The tribunal had before it the following copy documents:

1. Application dated 21 June 2019 and received by the Tribunal on 23 June 2019.
2. Private Rented Tenancy Agreement for let of the property from 11 October 2018.
3. Land certificate.

4. Rent statement detailing rent arrears as at the 11 June 2019.
5. Decision of the Tribunal of 30 May 2019 regarding eviction proceedings.
6. Sheriff Officer's execution of service on the respondent dated 22 July 2019.

The applicant attended the tribunal. The respondent did not attend and was not represented.

Preliminary matters.

1. The tribunal noted that an eviction order was granted on 30 May 2019 and the papers for this application were served by sheriff officer on 22 July 2019 at the property. Service was effected by depositing and the sheriff officer's report stated that neighbours confirmed the respondent was still living in the property. The applicant confirmed that the eviction was not carried out until 24 July 2019. He also stated that when he took entry there was no mail lying in the property for the respondent. The tribunal was satisfied that appropriate notice had been given in terms of rule 24 and proceeded with the CMD in terms of rule 27.
2. The tribunal noted that the title to the property is in the joint names of Mr and Mrs Johnson. The applicant advised that his wife has predeceased and the tribunal noted that there is a survivorship destination in the title.

Findings in fact.

1. The applicant is the owner of the property.
2. The applicant entered into a Private Residential Tenancy (via his agents) with the respondent on 11 October 2018 for let of the property from that date.
3. The monthly rent agreed was £480.
4. As at 11 June 2019 the sum of £2769.20 had accrued in rent arrears.
5. This sum remains outstanding.

Reasons.

This is an undefended application in terms of rule 111 to recover rent arrears. The applicant advised that further arrears have accrued. As no amended application has been made in terms of rule 14A the tribunal was not minded to grant an order for an increased sum. The tribunal is satisfied that it has sufficient information before it today to make a decision and the procedure has been fair. The tribunal accordingly granted an order for the sum of £2769.20.

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.

L Ward

23 August 2019

Lesley A Ward Legal Member

Date