

**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/18/2364**

**Re: Property at 72 Maxwood Road, Galston, KA4 8QE (“the Property”)**

**Parties:**

**Mrs Louise Coxon, 8 Rumford Place, Kilmarnock, KA3 6FH (“the Applicant”)**

**Mr Dean Sibley, Ms Janette Cree, 91 Brewland Street, Galston, KA4 8DX (“the Respondents”)**

**Tribunal Members:**

**Lesley Ward (Legal Member)**

**Decision (in absence of the Respondents)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the respondents shall make payment to the applicant of the sum of seven thousand three hundred and fifty pounds (£7350).**

This is a case management discussion ‘CMD’ regarding an application in terms of Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, ‘the rules’ and s16 of the Housing (Scotland) Act 2014, ‘the Act’ in connection with rent arrears for the property at 72 Maxwood Road Galston KA4 8QE, ‘the property’. The application was made by Mrs Louise Coxon on the 17 September 2018. The tribunal had before it the following copy documents:

1. Application dated 9 September 2018 and received by the tribunal on 17 September 2018.
2. Rent statement detailing arrears to July 2018.
3. Tenancy agreement dated 3 March 2017 for the initial term of 3 March 2017 until 2 September 2017.

Lesley Ward

The tribunal has sight of the execution of service from the sheriff officers regarding the service of the application and the CMD on the respondents on 29 November 2018.

### **Case management discussion.**

The applicant attended the CMD and her husband Mr Geoff Coxon attended as her supporter. The respondents did not attend and were not represented.

The tribunal noted that the application was for rent arrears which accrued between April 2017 and July 2018 for a total sum of £7125. The rent statement however referred to arrears of £7350 for the same period. The applicant explained that the application contains an arithmetical error and the sum of £7350 as detailed in the rent statement is for 16 months of arrears accruing from April 2017 until July 2018, less the sum of £250 paid in October 2017. The applicant stated that the arrears have been calculated until July 2018 because the respondents left the property on 25 July 2018. She stated that sheriff officers were due to enforce the eviction order on 26 July 2018.

### **Findings in fact**

The tribunal finds in fact:

1. The applicant and the respondents entered into a tenancy agreement with the respondents for the let of the property for the initial period of 6 months from 3 March 2017 until 2 September 2017 and thereafter on a month to month basis.
2. The monthly rent due was £475.
3. As at the 31 July 2018 the sum of £7350 had accrued in rent arrears. This sum remains outstanding.

### **Reasons**

This is an undefended application in terms of rule 70 to recover rent arrears. The tribunal is satisfied that the respondents have received notice of the application in terms of rule 24. Accordingly the tribunal proceeded to hear the application in the absence of the respondents in terms of rule 29. The tribunal is satisfied that it has sufficient information before it today to make a decision and is satisfied that the procedure has been fair.

The tribunal noted the application made reference to a lower sum of £7125 however the rent statement gives full details of the sum sought of £7350 and the tribunal is satisfied that the respondents have received fair notice of the sum sought as the rent

statement forms part of the application. The tribunal accordingly granted an order for the sum of £7350.

### **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.**

Lesley Ward

**3 January 2019**

**Lesley A Ward Legal Member**

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**Date**