



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/20/1379

Re: Property at 25 Ashgrove Square, Elgin, Moray, IV30 1UN (“the Property”)

Parties:

F.S Properties Ltd, 60 Hamilton Drive, Elgin, Moray, IV30 4NJ (“the Applicant”)

Mr Jamie Hendry, unknown, unknown (“the Respondent”)

Tribunal Members:

Nicola Irvine (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted an order for payment against the Respondent in the sum of £2,700.

Background

The Applicant submitted an application seeking an order for payment against the Respondent in the sum of £2,700. That sum relates to arrears of rent that the Applicant states the Respondent has incurred in relation to her occupation of the property. The Tribunal intimated the application to the Respondent by advertisement on the Housing and Property Chamber website. That advertisement provided details of today’s case management discussion.

The Case Management Discussion

The Applicant was represented by Mr Maltman. The case management discussion proceeded in the absence of the Respondent.

The Applicant's representative advised that the Respondent was re-housed in June 2020 and he vacated the property on 18th June 2020. The sum sought by the Applicant represented unpaid rent for a period of 5 months, the last rental payment having been made in January 2020.

The Applicant insisted on the application for payment.

Findings in Fact:

1. The Applicant and the Respondent entered into a Tenancy Agreement in respect of the property.
2. The rent payable was £530 per calendar month, increasing to £540 per month from 25th December 2018.
3. The Respondent vacated the property on 18th June 2020.
4. As at today's date, the arrears of rent due by the Respondent amounted to £2,700.
5. The Applicant is entitled to the Order for payment sought.

Reason for Decision

The Tribunal proceeded on the basis of the written documents which were before it. The Applicant invited the Tribunal to make the Order sought. The Applicant relied upon the copy bank statements lodged. The Tribunal was satisfied that rent arrears in the sum sought had been established. There was nothing before the Tribunal challenging or disputing any of the evidence before it.

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.

N. I

Legal Member/Chair

27th October 2020
Date