

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**Statement of Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 18 of the Housing Act (Scotland) 1988**

**Chamber Ref: FTS/HPC/CV/17/0460**

**Re: Property at 158 Haugh Street, Falkirk, FK2 7QT (“the Property”)**

**Parties:**

**Mr Juan Carlos Soto Soto, 136 Saughtonhall Drive, Edinburgh, EH12 5TT (“the Applicant”)**

**Miss Rebecca Gardiner, Mr Dylan Bain, 158 Haugh Street, Falkirk, FK2 7QT (“the Respondent”)**

**Tribunal Members:**

**Nicola Irvine (Legal Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant is entitled to the Order for Payment in the sum of £1,150.**

**Background**

The Applicant submitted an application for an order for payment in the sum of £1,150. This sum related to unpaid rent in respect of the property at 158 Haugh Street, Falkirk, FK2 7QT. The Tribunal intimated the application to the Respondents on 9<sup>th</sup> January 2018 and advised them of the date, time and place of today’s case management discussion. In that letter, the Respondents were advised that any written representations they wishes to make should be sent to the Tribunal by 27<sup>th</sup> January 2018. No written representations were received by the Tribunal. The Applicant contacted the Tribunal on 6<sup>th</sup> February and provided an up to date rent statement, showing that the rent due as that date was £2,050. On 8<sup>th</sup> February the Applicant contacted the Tribunal and advised that the Respondents moved out of the

property on 2<sup>nd</sup> February 2018. The Tribunal were therefore unable to intimate the up to date rent statement to the Respondents.

### The Hearing

The hearing took place in the absence of the Respondents.

### Findings in Fact:

1. The Applicant and the Respondent entered into a Tenancy Agreement dated 31<sup>st</sup> March 2017. The period of the lease was from 31<sup>st</sup> March 2017 to 1<sup>st</sup> October 2017. The rent payable was £450 per calendar month, payable in advance.
2. At termination of the tenancy, the Respondents were in arrears of rent to the extent of £1,150.
3. The Applicant is entitled to the Order sought for payment in the sum of £1,150.

### 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 updated rent statement had not been intimated to the Respondents and therefore they only had notice of the claim in the sum of £1,150. 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.**

**Where such an appeal is made, the effect of the decision and of any order is suspended until the appeal is abandoned or finally determined by the Upper Tribunal, and where the appeal is abandoned or finally determined by upholding the decision, the decision and any order will be treated as having effect from the day on which the appeal is abandoned or so determined.**

NICOLA IRVINE

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Legal Member/Chair

12.02.18  
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Date