



**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/18/0545**

**Re: Property at 1 Springfield Road, Stirling, FK7 7QN (“the Property”)**

**Parties:**

**Mr Gordon Allcock, Mrs Alison Allcock, 3B Burnside Street, Stirling, FK7 7QD  
 (“the Applicants”)**

**Mr Gregor Robertson, 11 Chamfron Gardens, Stirling, FK7 7XU (“the  
 Respondent”)**

**Tribunal Members:**

**Rory Cowan (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
 Tribunal”) determined that an order for payment should be granted.**

- **Background**

This is an application in terms of Rule 70 of the Housing and Property Chamber  
(Procedure) Regulations 2017 seeking an order for payment in the sum of £3,578.90  
in respect of rent arrears for the Property.

The Tribunal had before it the following documents:

- 1) Application dated 5 March 2018;
- 2) Copy emails between the Applicants’ letting agents and Shelter dated 1-13  
February 2018.
- 3) Copy Landlord Statements detailing arrears between 29 April 2017 and 5  
February 2018;
- 4) Record of communications between letting agents and the Respondent dated  
30 May 2017 to 28 November 2017;

- 5) Copy letters issued to the Respondent by the Applicants letting agents dated 6 July 2017 and 11 August 2017;
- 6) Copy tenancy agreement and Form AT5 dated 2 June 2017; and
- 7) Copy certificate of intimation from sheriff officers of service of this application along with the associated documents.

- Case Management Discussion

The Case Management Discussion took place on 29<sup>th</sup> August 2018. The Applicants attended the CMD, but the Respondent was not present. The date of the CMD was intimated to the Respondent. He was advised that written representations in response to the application would require to be lodged by 20 August 2018. No responses were received. The Respondent was also advised that he was required to attend the CMD and was informed that the Tribunal could make any decision at the CMD on the application that could be made at a full hearing if the Tribunal had sufficient information and considered the procedure to have been fair.

The Applicants represented themselves. They confirmed that the Respondent had not vacated the Property until 13 February 2018, but that they had restricted their claim for rent arrears to those accrued up and until 5 February 2018. They confirmed that they had had no contact with the Respondent and that, despite willingness on their part, no payment arrangement had been entered into or agreed with the Respondent.

The terms of the rental statements were then discussed. The Applicants agreed that they revealed that the arrears were £3,278.90 when the deposit was taken into account and agreed to amend the sum they sought to reflect that. As there was no prejudice to the Respondent in reducing the figure sought, the Tribunal agreed to amend the sum sought to reflect the actual arrears.

- Findings in Fact

- 1) The Applicants and Respondent entered into a tenancy agreement for the property at 1 Springfield Road, Stirling FK7 7QN on 2 June 2017, with a start date of 2 June 2017.
- 2) That the Rent payable under that tenancy agreement was £600 per calendar month.
- 3) That the Respondent vacated the property at 1 Springfield Road, Stirling FK7 7QN on or around 13<sup>th</sup> February 2018.
- 4) That as at 5 February 2018 the sum of £3,278.90 in rent arrears was outstanding.

- Reasons for Decision

The Tribunal proceeded on the basis of the written documents which had previously been lodged and the oral submissions by the Applicants.

In terms of the tenancy agreement between the parties the sum of £600 per calendar month was due to be paid by the Respondent to the Applicant. It was clear from the paperwork provided, including correspondence from Shelter on behalf of the

Respondent that the Respondent was in arrears of rent. There was nothing in front of the Tribunal challenging or disputing any of the evidence before it.

- Decision

An Order for payment in the sum of £3,278.90 was therefore granted against the Respondent.

### **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.**

RORY COWAN

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**Légal Member/Chair**

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**Date** 29<sup>th</sup> August 2018 \_\_\_\_\_