

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 70 of the Housing (Scotland)
Act 2014**

Chamber Ref: FTS/HPC/CV/18/2494

Re: Property at 126 Thornhill Road, Falkirk, FK2 7AE (“the Property”)

Parties:

**Mr Darko Arsoški, Ms Stephanie Arsoška, 17 Duthie Street, Kirriemuir, DD8
5DJ; 17 Duthie Street, Kirriemuir, DD8 5DJ (“the Applicants”)**

Mr Liam McEwen, 126 Thornhill Road, Falkirk, FK2 7AE (“the Respondent”)

Tribunal Members:

Richard Mill (Legal Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that the Respondent should pay to the Applicants the
sum of One Thousand Eight Hundred and Seventy Five Pounds (£1,875)
Sterling.**

Background

By way of application made on 27 August 2018 the Applicants sought an order for payment from the Respondent representing arrears of rent in respect of the property.

The Respondent received intimation of the proceedings and all relevant supporting documentation by way of Sheriff Officer delivery. He was advised of the requirement to lodge written representations no later than 31 October 2018 and of the hearing on 2 November 2018 and of the need to attend this.

The Hearing

The first named Applicant attended and represented the interests of himself and his co Applicant who is his spouse. There was no appearance by or on behalf of the Respondent. The first named Applicant made submissions in support of the Application.

Reasons for Decision

The basis of the Application was with reference to the fact that the Respondent has failed to make any relevant rental payments since April 2018.

A Notice to Quit was served on 2 August 2018 which brought the tenancy to an end on 12 October 2018. No rent has been paid since April 2018. As at the date of the hearing 5 months rent at £375 per calendar month was unpaid representing the rent due from May to the end of the tenancy. This totals £1,875. The first Applicant gave oral evidence and there were bank statements which disclosed and supported this. The Tribunal relied upon these credible and reliable sources of evidence.

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.

R Mill

Legal Member/Chair

2 November 2018
Date