

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/18/3199

**Re: Property at 1/1 Corthie Court, Stoneywood, Denny, FK6 5GU (“the
Property”)**

Parties:

**Link Housing Ltd T/A Link2Let, Link House, 2c New Mart Road, Edinburgh,
EH14 1RL (“the Applicant”)**

**Mr Mark Rowles, 1/1 Corthie Court, Stoneywood, Denny, FK6 5GU (“the
Respondent”)**

Tribunal Members:

Melanie Barbour (Legal Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that**

Background

An application was made to the First Tier Tribunal for Scotland (Housing and Property Chamber) under Rule 70 of the First Tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017 (“the 2017 Rules”) seeking an order for payment of rent arrears amounting to £3,513.86 in relation to an assured tenancy for the property.

The application contained a copy of the Tenancy Agreement; and a copy of the rental statement.

The Applicant’s representative, Ms Preece, from Messrs Harper Macleod, attended on behalf of the Applicant. There was no appearance from the Respondent. I was satisfied however that the Respondent had had formal notice of today’s hearing and I was therefore prepared to proceed with the hearing today.

Notice of the Hearing together with a copy of the application and confirmation that the Respondent could make written representations in response to the application had been served on the Respondent on 4 February 2019. No written representations had been received.

The Hearing

The Applicant's representative advised the Applicant was the management agent for the landlord, Carrongrove NHT 2011 LLP, and they were entitled to bring these proceedings on behalf of the landlord as their agent.

That the landlord and the Respondent entered into a lease in 27 February 2017 and in terms of the lease the Respondent was due to the rent for the property. There was a monthly rent payment due in relation to the property. When the application was lodged with the tribunal the rent arrears were £3,513.86. She advised that as at today's date the rent arrears were still outstanding and had in fact increased to £4,517.82.

The last payment made by the Respondent towards the rent had been made on 3 December 2018, and the last payment prior to that date had been made on 2 July 2018. There had been no other attempts made by the Respondent to repay the rent or arrears.

The Applicant had lettered and tried to visit the Respondent about the non-payment of the rent, in their letters they had offered to refer the Respondent to their Benefits Service or make a referral to Money Advice. There had however been no contact from the Respondent

Findings in Fact

The Tribunal found the following facts to be established:

A tenancy agreement was entered into between the Applicant and the Respondent for the property. It was entered into on 27 February 2017.

Clause 5 of the tenancy agreement provided that rent of £469.52 was due per calendar month in advance by the Respondent to the landlord. It also allowed that the rent may be subject to review and varied each year in accordance with the provisions of the lease.

That the rentals statement showed debits, credits and the balance of the rental account from 27 February 2017 until 2 November 2018. The rent arrears which appeared to be outstanding as at 2 November 2018 were £3,513.86.

The Applicant advised that as at today's date only one further rental payment had been made and the current arrears were now therefore £4,517.82.

Reasons for Decision

Section 16 of the Housing (Scotland) Act 2014 provides that the First Tier Tribunal has jurisdiction in relation to actions arising following from a number of tenancies, including those arising under an assured tenancy within the meaning of section 12 of the Housing (Scotland) Act 1988.

As this tenancy is an assured tenancy I am content that I have jurisdiction to deal with this case.

The tenancy agreement created obligations between the parties, one of those obligations was to pay rent, and the Respondent has failed to do so. There was submitted a rental statement showing the arrears due and additional information was provided today by the Applicant was that the rent arrears had in fact increased.

On the basis of the evidence submitted, I consider that I should make an order for the sum sued for.

Decision

I grant an order in favour of the Applicant for THREE THOUSAND FIVE HUNDRED AND THIRTEEN POUNDS EIGHTY SIX PENCE (£3,513.86) STERLING 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.

 M Barbour

Legal Member/Chair

22. 2. 19

Date