



**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/19/0309

Re: Property at 24 North Bridge Street, Hawick, TD9 9QW (“the Property”)

Parties:

Blind Veterans UK, 12/14 Harcourt Street, London, W1H 4HD (“the Applicant”)

**Mr Kenneth Piggott, formerly residing at 24 North Bridge Street, Hawick, TD9
9QW and whose current whereabouts are unknown (“the Respondent”)**

Tribunal Members:

Fiona Watson (Legal Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that an order against the Respondent(s) for payment of
the undernoted sum to the Applicant(s):**

**Sum of THREE THOUSAND FOUR HUNDRED AND SIXTY-THREE POUNDS
AND ONE PENCE (£3, 463.01)**

1. An application dated 18 January 2019 was submitted to the Tribunal under Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”), seeking a payment order against the Respondent in relation to rent arrears accrued under an assured tenancy agreement.
2. A Case Management Discussion took place on 10 July 2019. David Alexander on behalf of the Applicant was present, and was represented by Ian Burke of Bannerman Burke. There was no appearance by or on behalf of the Respondent. The application had been served on the Respondent by way of advertisement, as his whereabouts were unknown. Said advertisement was

carried out between 4 June 2019 and 10 July 2019. The Tribunal was accordingly satisfied that the CMD could proceed in the Respondent's absence.

3. The Applicant moved for the order for payment to be granted as sought. The parties had entered into an Assured Tenancy Agreement. The Respondent had failed to make payment of rent and had fallen into arrears amounting to £3,463.01. The arrears had commenced in October 2017 and there had been a continuous arrear until 20 June 2018, when the tenancy was terminated.

The Tribunal noted that the tenancy agreement lodged with the application and which commenced 3 May 1999 showed the landlord as being "St Dunstan's". The Applicant produced evidence from Companies House showing the change of name from St Dunstan's to Blind Veterans UK and accordingly being the same legal entity, and on that basis the Tribunal was satisfied that the Applicant had the necessary title to sue.

4. The Tribunal made the following findings in fact:
 - (a) The parties entered into an Assured Tenancy Agreement ("the Agreement") which commenced 3 May 1999;
 - (b) In terms of Clause 3.1 of the Agreement, the Respondent was obliged to pay a weekly rent of £46.15 to the Applicant;
 - (c) In terms of Clause 3.4 the rent payable under the Agreement would be subject to periodical review;
 - (d) The Respondent had failed to make payment of rent as fell lawfully due, and had accrued arrears amounting to £3,463.01 at the termination of the tenancy.
5. The Tribunal was satisfied that the Applicant was entitled to the sum as sought. The Respondent was obliged to make payment of rent under Clause 3.1 of the Agreement and had failed to do so. The Respondent had accrued arrears of rent amounting to £3,463.01 and which fell lawfully due to be repaid to the Applicant.
6. Accordingly, the Applicant was entitled to the Order for Payment as sought.
7. The First-tier Tribunal for Scotland (Housing and Property Chamber) granted an order against the Respondent(s) for payment of the undernoted sum to the Applicant(s):

Sum of THREE THOUSAND FOUR HUNDRED AND SIXTY-THREE
POUNDS AND ONE PENCE (£3,463.01) STERLING

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.

F Watson

Legal Member/Chair

10/7/19

Date