

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 71 of the Private Housing (Tenancies)(Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/19/0473

Re: Property at 94 Newpark Road, St Ninians, Stirling, FK7 0QD (“the Property”)

Parties:

Mrs Audrey Graham, C/O Capital Letters, 54 Port Street, Stirling, FK8 2LJ (“the Applicant”)

Mr Steven Gillespie, no respondent address, no respondent address (“the Respondent”)

Tribunal Members:

Gabrielle Miller (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant is entitled to be granted an order for payment amounting to £1740.

1. An application was received by the 11th February 2019 and was dated 11th February 2019. The application was submitted under Rule 111 of The First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on the Respondent not maintaining rent payments with arrears amounting to £1740.
2. The application included:-

- a. Copy Scottish Government Model Private Residential Tenancy Agreement with commencement of tenancy being 5th August 2018 and was signed on 7th August 2018; and
 - b. Rent statement from 5th December 2018 to 5th February 2019. This detailed the rent of £580 per month and arrears of £1740.
3. The Tribunal also had before it a copy of the title deeds numbered STG80362.
 4. A Notice of Acceptance of Application was signed on 8th May 2019.
 5. The Respondent left the Property on 27th February 2019.
 6. On 22nd May 2019, all parties were written to with the date for the Case Management Discussion ("CMD") of 26th June 2019 at 10am at the Wallace House, Maxwell Place, Stirling. The letter also requested all written representations be submitted by 9th June 2019. As the Respondent had vacated the Property without a forwarding address the documents were served by advertisement at the Applicant's request. A Certificate of Advertisement was signed by a Team Leader for the Housing and Property Chamber on 26th June 2019 confirming that service by advertisement had been carried out on the Housing and Property Chamber website between 22nd May 2019 and 26th June 2019.

The Case Management Discussion

7. A CMD was held on 26th June 2019 at 10am at Wallace House, Maxwell Place, Stirling. The Applicant was represented by Miss Arlene McKenna, letting adviser for Capital Lettings. The Respondent was not present. The Tribunal proceeded in terms of Rule 29 of the Rules. Neither party made representations in advance of the hearing. Miss McKenna informed the Tribunal that the Respondent last paid prior to November 2018. Miss McKenna informed the Tribunal that there has been no contact from the Respondent since shortly after he moved into the Property. Her company had tried various means of contact all of which had been ignored. The Landlord had been contacted directly through social media by the Respondent's ex-partner informing of the date he left the Property. There has been no offer of payment. Miss McKenna also informed the Tribunal that she was not aware of any outstanding Housing Benefit or Universal Credit Housing Element issues. She believes that he is in employment.

Findings and reason for decision

8. A Private Rented Tenancy Agreement commenced 5th August 2018.
9. The Respondent persistently failed to pay her rent charge of £580 per month. The rent payments are due to be paid on 5th day of each month.

10. The Respondent left the Property on 27th February 2019.

11. There are no outstanding Housing Benefit issues.

12. The arrears sought totalled £1740. Amounting to rent arrears

Decision

The Tribunal found that the Applicant was entitled to be granted an order for payment amounting to £1740.

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.

GM

Legal Member/Chair

Date

26 JUN 19