

Housing and Property Chamber
First-tier Tribunal for Scotland



Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section

Chamber Ref: FTS/HPC/CV/18/2375

Re: Property at 2/3, 4 Anderson Drive, Renfrew, PA4 8PL (“the Property”)

Parties:

Mr Frank Fulton, 92 Brunton Street, Cathcart, Glasgow, G44 3NQ (“the Applicant”)

Miss Ashleigh Smyth, 2/3, 4 Anderson Drive, Renfrew, PA4 8LP (“the Respondent”)

Tribunal Members:

Virgil Crawford (Legal Member)

Decision (in absence of the Respondent)

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

BACKGROUND

1. By lease dated 13th February 2017 the Respondent rented the Property from the Applicant;
2. The rent payable was £385 per calendar month;
3. The Respondent paid rent in arrears. Rent was paid up to and including 7th June 2018;
4. The Respondent vacated the Property, and accordingly the tenancy ended, on 5th October 2018;
5. As at 5th October 2018 the period during which rent had not been paid was 4 months, less 2 days;
6. The daily rental amount was equivalent to £12.65;

THE CASE MANAGEMENT DISCUSSION

7. The Applicant attended the Case Management Discussion. He was supported by his wife, Lorna Fulton;
8. The Respondent did not attend. The Tribunal was in receipt of a Sheriff Officer's execution of service of the case papers on the Respondent. In the circumstances, the Tribunal, in terms of Rule 29 of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (the "FTT Rules"), being satisfied that, in terms of Rule 24 of the FTT Rules the Respondent had been given reasonable notice of the date, time and place of the Case Management Discussion, proceeded with the Case Management Discussion in her absence;

FINDINGS IN FACT

9. By lease dated 13th February 2017 the Respondent rented the Property from the Applicant;
10. The rent payable was £385 per calendar month;
11. The Respondent paid rent in arrears. Rent was paid up to and including 7th June 2018;
12. The Respondent vacated the Property, and accordingly the tenancy ended, on 5th October 2018;
13. As at 5th October 2018 the period during which rent had not been paid was 4 months, less 2 days;
14. The daily rental amount was equivalent to £12.65;
15. As at 5th October 2018 the amount of rent outstanding was £1,514.70;

DECISION

The Tribunal made an order for payment by the Respondent to the Applicant in the sum of £1,514.70.

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.

Since an appeal is only able to be made on a point of law, a party who intends to appeal the tribunal's decision may wish to request a Statement of Reasons for the decision to enable them to identify the point of law on which they wish to appeal. A party may make a request of the First-tier Tribunal for Scotland (Housing and Property Chamber) to provide written reasons for their decision within 14 days of the date of issue of this decision.

Where a Statement of Reasons is provided by the tribunal after such a request, the 30 day period for receipt of an application for permission to appeal begins on the date the Statement of Reasons is sent to them.

Virgil Crawford

16 November 2018

Legal Member/Chair

Date

