



Decision on Case Management Discussion of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ('The Procedure Rules) in relation to an application for civil proceedings relative to an Assured Tenancy under Rule 70 of the Procedure Rules.

Chamber Ref: FTS/HPC/CV/19/0507

Re: 3 The Church of Scotland Manse, Inverinate, Kyle, IV40 8HE ("the Property")

Parties:

The Church of Scotland General Trustees, 121 George Street, Edinburgh, EH2 4YR ("the Applicants")

Miss Susan Killearn, Church of Scotland Law Department, 121 George Street, Edinburgh, EH2 4YN ('The Applicants' Representative')

Andrew Peter Kearns and Mrs Lynne Kearns, MacDonald Cottage, Quarry, Glenelg, By Kyle of Lochalsh, IV40 8JZ ("the Respondents")

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal")

Tribunal Member: Jacqui Taylor (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that an order for payment would be issued requiring the Respondents to pay the Applicant the sum of £2437.10.

Background

1. The Applicant submitted an application to the Tribunal for payment of arrears of rent in the sum of £2437.10 being the sum outstanding as at 19th December 2018, after the deposit of £500 is returned to the Applicants.

2. Documents lodged with the Tribunal.

Documents lodged with the Tribunal by the Applicants were:

2.1 A copy of the Tenancy Agreement.

2.2 A copy of a rent statement for the period 1st May 2015 to 19th December 2018 which showed that the outstanding rent as 19th December 2018 amounts to £3087.10.

3. Case Management Discussion

This case called for a Case management Discussion (CMD) at 10am on 10th April 2019 at Glasgow Tribunals Centre, 20 York Street, Glasgow. The CMD was conducted by conference call.

The Applicant did not participate in the CMD but their representative Miss Susan Killean participated on their behalf.

The Respondents did not participate in the CMD. The Respondents had been served with notice of the CMD by Scott & Co, Sheriff Officers on 21st March 2019.

No written responses had been received from the Respondents.

4. The Tribunal identified with the Applicants' representative the following agreed facts:

4.1 The Applicants are the Landlords of The Church of Scotland Manse, Inverinate, Kyle, IV40 8HE ("the Property").

4.2 The Respondents were Tenants of the Property in terms of the Short Assured Tenancy between the parties dated 28th and 30th April 2015.

4.3 The term of the Tenancy was from 1st May 2015 to 2nd November 2015 and two monthly thereafter.

4.4 The Tenant vacated the Property on 19th December 2018.

4.5 The rent due in terms of the tenancy was £550 per month.

4.6 The Deposit paid by the Respondents was £650 and this had been returned to the Applicants on 27th March 2019.

5. Requirements of Section 70 of the Procedure Rules.

5.1 In connection with the requirements of section 70 that the application correctly detailed the requirements of section 70(i), (ii) and (iii) of the Procedure Rules namely:-

- (i) the name and address of the Applicants.
- (ii) the name and address of the Respondents.
- (iii) the reason for making the application.

5.2 The application had been accompanied by the documents specified in **Section 70(b)(i) and (ii) and (iii)** of the Procedure Rules being a copy of the lease and the statement of rent arrears.

6. Decision

6.1 The Tribunal accepted as correct the evidence of the rent statement produced which showed the outstanding rent to be £2437.10 a copy of which had been provided to the Respondents.

6.2 The Tribunal determined that the outstanding rent due by the Respondents amounted to £2437.10 and accordingly they issued an Order for Payment in this sum.

7. 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.

J. Taylor

..... Legal Member

10th April 2019