



**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/18/3041

**Re: Property at 103 Elie Avenue, Deans, Livingston, West Lothian, EH54 8EU
("the Property")**

Parties:

Mr Andrew Purdie, 20 Martin Brae, Livingston ("the Applicant")

Ms Paula Swarbrick, 39 Esk Drive, Livingston, EH54 5LE ("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") granted an order against the Respondent(s) for payment of the undernoted sum to the Applicant(s):

Sum of TWO THOUSAND AND FIFTY POUNDS (£2,050) STERLING

An application was received by the Tribunal in terms of Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 ("the 2017 Regulations"). Said application sought an order for payment in the sum of £2,050 in respect of rent arrears due by the Respondent to the Applicant under a Short Assured Tenancy.

A Case Management Discussion ("CMD") initially took place on 21 February 2019. The Applicant was personally present. There was no appearance by or on behalf of the Respondent. During the CMD the Legal Member recused herself from the proceedings due to the emergence of a potential conflict of interest and the CMD was adjourned to 9 April 2019.

The CMD took place on 9 April 2019. The Applicant was again personally present and there was no appearance by or on behalf of the Respondent.

The Applicant sought the order for payment in the sum of £2,050 against the Respondent. The Applicant advised that he had let the Property to the Respondent in terms of a short assured tenancy which had come to an end on 18 June 2018. The Applicant had a letting agent who managed the Property for him during that time. At the termination of the tenancy, the Respondent was in arrears of rent in the sum of £2050.

The Applicant had lodged alongside his application the following documents: a copy of the short assured tenancy agreement between the parties; a copy of the AT5 served on the Respondent; and a rent statement.

The Applicant produced to the Tribunal at the CMD: bank statements from his letting agent showing when payments had been received; and a handwritten letter from the Respondent dated 1 June 2018 which had been sent to the Applicant's agent and which stated "*I have had to vacate the property. I am aware off problems with council and outstanding balance....I will send payment to your account weekly to get my arrears away.*"

The Tribunal was satisfied that:

1. The Applicant and Respondent had entered into a short assured tenancy agreement which commenced on 18 June 2017;
2. The said tenancy agreement terminated on 18 June 2018;
3. The Respondent agreed to pay rent of £550 per month to the Applicant in terms of clause 4 of the said tenancy agreement between the parties
4. At the termination of the said tenancy agreement, the Respondent was in arrears of rent in the sum of £2,050
5. The Applicant was entitled to payment of the sum of £2,050 due to the Respondent's failure to pay rent lawfully due in terms of clause 4 of the said tenancy agreement as aforesaid.

Accordingly, the First-tier Tribunal for Scotland (Housing and Property Chamber) granted an order against the Respondent for payment of the undernoted sum to the Applicant:

Sum of TWO THOUSAND AND FIFTY POUNDS (£2,050) 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.

Fiona Watson

Legal Member/Chair

9/4/19

Date