

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 16 of the Housing (Scotland) Act 2014

Chamber Ref: FTS/HPC/CV/19/3632

Re: Property at 4 Malcolms Court, Kilmaurs, KA3 2BE (“the Property”)

Parties:

Mr Peter McGivney, Little Fenwick Farm, Fenwick, East Ayrshire (“the Applicant”)

Mr Robert Spence, 20 Ardoch Crescent, Stevenson, KA20 3PP (“the Respondent”)

Tribunal Members:

Alison Kelly (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment for £1035.96 should be made.

Background

On 11th November 2019 the Applicant’s Agent lodged an application seeking payment from the Respondent the sum of £1660.96 by way of rent arrears.

Lodged with the Application were:

1. Copy Tenancy Agreement
2. Rent Statement

Case Management Discussion

The Applicant was represented by Mr Crainey of Murphy Scoular Letting Agents. The Respondent did not appear, and was not represented.

Mr Crainey explained to the Tribunal that the Respondent had vacated the property on 31st August 2019, as a result of an eviction order granted by the Tribunal. At that time, the rent arrears stood at £1660.96. No payments have been received from the Respondent since he vacated the property. Mr Crainey told the Tribunal that the deposit, in the amount of £625 had now been returned by Safe Deposits Scotland, and therefore he was seeking an order in the amount of £1035.96.

Findings In Fact

1. The parties entered in to a tenancy agreement in respect of the property;
2. The monthly rental was £625;
3. The respondent vacated the property on at which time the rent arrears were £1660.96;
4. No payments have been received from the Respondent since then;
5. The deposit of £625 has been returned and should be deducted from the sum initially sought.

Reasons For Decision

The Respondent vacated the property leaving rent arrears in the amount of £1660.96. The deposit of £625 has been returned and the sum now due is £1035.96.

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.

A. Kelly

Legal Member/Chair

J

Date

17/1/2020