



**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/19/2212

**Re: Property at 19 Hunters Lane, Whitburn, West Lothian, EH47 0DT (“the
Property”)**

Parties:

**JPK Bros Limited, 48 Thomson Road, Armadale, West Lothian, EH48 3GJ (“the
Applicant”)**

**Mrs Gina Crighton, 19 Hunters Lane, Whitburn, West Lothian, EH47 0DT (“the
Respondent”)**

Tribunal Members:

Nicola Irvine (Legal Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) granted an order for payment against the Respondent in the sum of
£233.06.**

Background

The Applicant submitted an application seeking an order for payment in the sum of £295.48. That sum related to arrears of rent in respect of the Respondent’s tenancy of the property at 19 Hunters Lane, Whitburn, West Lothian, EH47 0DT and a sheriff officer’s fee for service of the notices. The Tribunal intimated the application to the parties by letter of 28th August 2019 and advised them of the date, time and place of today’s case management discussion. In that letter, the parties were also told that they required to attend the hearing and were informed that the Tribunal could make a decision today on the application if the Tribunal has sufficient information and considers the procedure to have been fair. The Respondent was invited to make

written representations by 18th September 2019. No written representations were received by the Tribunal.

The Case Management Discussion

The Applicant was represented by Ms Isla Marie Casey. The case management discussion proceeded in the absence of the Respondent. The Applicant's representative advised the Tribunal that there has been no recent contact with the Respondent and the rent arrears of £233.06 are still outstanding. The Applicant sought an order for payment in the sum of £295.48.

The Tribunal observed that there is no provision in the tenancy agreement for the Respondent to pay for the cost of notices being served. On that basis, the Tribunal was not prepared to order payment in relation to the outlay incurred to sheriff officer in respect of service of the notices.

Findings in Fact

1. The Applicant and the Respondent entered into a Tenancy Agreement dated 13th September 2013. The period of the tenancy was from 13th September 2013 to 13th March 2014. Thereafter, the tenancy continued by tacit relocation.
2. The rent payable was £425 per month, payable in advance.
3. The Applicant is entitled to the Order sought for payment in the sum of £233.06 in respect of rent arrears.

Reason for Decision

The Applicant has produced documentation which shows that the rent arrears amounted to £233.06 at the time the present application was presented. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the case management discussion. The Tribunal was satisfied that rent arrears are due by the Respondent and therefore granted the order for payment.

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.

Nicola Irvine
Legal Member/Chair

8th October 2019

Date