



Decision 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/18/1932

Re: Property at Flat 1, 5 Kirk Street, Dunoon, Argyll and Bute, PA23 7DP (“the Property”)

Parties:

Dr Sandeep Shahi, Mr Jasdeep Shahi, 6 St Johns Road, Glasgow, G41 5EG; 6 St Johns Road, Glasgow, G41 5EG (“the Applicant”)

Mrs Michelle Robertson McSparran, Flat 1, 5 Kirk Street, Dunoon, Argyll and Bute, PA23 7DP (“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 in the amount of £2139.60 should be made.

Background

The Applicants lodged an application for rent arrears. In the application they sought payment of all rent due until the Respondent vacated the property.

Case Management Discussion

The Applicants, Dr Sandeep Shahe and Mr Jasdeep Shahe, appeared personally at the Case Management Discussion (“CMD”). The Respondent did not appear and was not represented.

The Applicants told the Tribunal that the Respondent still lived in the property. They had lodged an application for eviction but it had been rejected as they had not used the correct is date. They have instructed their solicitor to serve fresh notices and they will lodge an application for eviction in due course.

The Applicants provided an up to date rent statement, showing that the arrears currently stood at £2139.50. The Applicants are receiving housing benefit for the Respondent, but she is not paying the additional amount that she is due to pay.

Findings in Fact

1. The Applicants and the Respondent entered in to a tenancy agreement for the lease of the property, commencing on 4th February 2017.
2. The rent is £475 per month.
3. The current arrears are £2139.60.

Reason for Decision

The Respondent is in arrears to the extent of £2139.60 at the date of the CMD.

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.

Alison Kelly

Legal Member/Chair

16/11/18

Date