



**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/18/2603

Re: Property at 172 Westerton Road, Grangemouth, FK3 9EZ (“the Property”)

Parties:

Miss Laura Stephen, Mr Richard Laurie, 35 Almondhill Road, Kirkliston, EH29 9BN; 35 Almondhill Road, Kirkliston, EH29 9BN (“the Applicants”)

Ms Jill Robert, 172 Westerton Road, Grangemouth, FK3 9EZ (“the Respondent”)

Tribunal Members:

Lynsey MacDonald (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that

1. Background

- 1.1. The Applicants sought an order for payment in respect of rent arrears for the property. An application in terms of Rule 70 (Civil Proceedings) was received by the Tribunal on 1st October 2018, stating that the sum of £3,060 in rent arrears was outstanding.
- 1.2. Separately the Applicants sought an order for possession in respect of the property.
- 1.3. The Applicants lodged the tenancy agreement dated 30th November 2017 and a rent statement.
- 1.4. The Tribunal fixed a Case Management Discussion, and this was intimated to parties. The Respondent was advised that written representations in response to the application required to be lodged by

12th December 2018. No responses have been received. The Respondent was also told that she was required to attend the Case Management Discussion, and was informed that the Tribunal could make any decision on the application that could be made at a full Hearing, if the Tribunal had sufficient information and considered the procedure to have been fair.

2. The Case Management Discussion.

- 2.1. The Applicants attended the Case Management Discussion, and were represented by Mr Redmond Harris, Jackson Boyd Solicitors.
- 2.2. The Respondent failed to attend the Case Management Discussion. The Clerk confirmed that the Tribunal administration had not received anything from the Respondent. The Tribunal delayed in calling the Case Management Discussion, to allow additional time for her to arrive, lest she had been delayed.
- 2.3. The Tribunal agreed to the Applicants' invitation to continue with the Case Management Discussion in the absence of the Respondent.
- 2.4. The Applicants lodged an up to date rent statement showing outstanding rent of £4,590. The Applicants' solicitor advised that the revised rent statement had not been sent to the Respondent.
- 2.5. The Applicants' solicitor invited the Tribunal to grant the order for payment in the amount of £4,590.

3. Findings in Fact

- 3.1. The Applicants and the Respondent entered into a Tenancy Agreement on 30th November 2017, with the start date for the lease being the same date.
- 3.2. The period of the lease was six months, and provided for continuation on a monthly basis thereafter.
- 3.3. The tenancy was a short assured tenancy.
- 3.4. The rent payable was £510 per calendar month.
- 3.5. The last payment of rent made by the Respondent was 28th February 2018.
- 3.6. The sum outstanding on 30th August 2018, and sought in the application, was £3,060.

4. Reasons for Decision

- 4.1. The Tribunal proceeded on the basis of the written documents which had previously been lodged together with oral submissions from the Applicants' solicitor in respect of those documents.
- 4.2. There was nothing before the tribunal challenging or disputing any of the evidence before it.
- 4.3. The Tribunal accepted that the sum of £3,060 in respect of rent arrears was owed by the Respondent to the Applicants.
- 4.4. The Tribunal did not consider that it was fair to increase the sum sued for to £4,590, as the Respondent had not been informed of the increase.

5. Decision

The order for payment of the sum of £3,060 is granted.

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.

Lynsey MacDonald

Legal Member

19th December 2015

Date