

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/18/2678

Re: Property at 227 Perth Road, 2nd Left, Dundee, DD2 1EJ (“the Property”)

Parties:

**Mr Andrew Forrester, Mrs Rebecca Forrester, 58B Albany Road, Broughty
Ferry, Dundee, DD5 1NW; 58B Albany Road, Brought Ferry, Dundee, DD5 1NW
 (“the Applicants”)**

**Mr Barry Sturrock, 227 Perth Road, 2nd Left, Dundee, DD2 1EJ (“the
Respondent”)**

Tribunal Members:

**Petra Hennig-McFatridge (Legal Member) and Jane Heppenstall (Ordinary
Member)**

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that the order as applied for should be granted.**

Background:

The Applicants are seeking an order for payment of rent arrears for the property. An application in terms of Rule 70 (Civil Proceedings) was received by the Tribunal on 27 September 2018 and the sum outstanding stated as at the time of the application was £1,200 based on a monthly rent of £600.

The application included as documents copy Short Assured Tenancy Agreement commencing on 4 September 2017, Copy AT5 and a rent statement showing the arrears to September 2018.

A Hearing was scheduled for 28 November 2018 at 2pm. The Respondent was served with the notification of the date and time and venue of the Hearing as well as with the application and accompanying documents by Sheriff Officers on 9 November 2018.

The Respondent had been given the 14 days notice required in Rule 24 of the Rules of Procedure. No representations were received from the Respondent and he did not attend the Case Management Discussion.

In terms of Rule 29 the hearing thus took place in his absence.

The Hearing:

Mrs Royle from Baillie Shepherd Solicitors, legal representatives for the Applicants attended the hearing and stated that the Applicants are seeking payment of £1,200, which represents 2 months rent for August and September 2018. The Applicants had previously obtained a payment order for £4,800 for rent arrears up to and including July 2018 on 20 July 2018. The rent statement showed that no rent had been paid for the months of August and September 2018. She confirmed that the Respondent was still in the property.

The Tribunal concluded that as the facts in this case were not disputed by any representations from the Respondent, it was not necessary to adjourn the case to a further hearing.

Findings in Fact:

1. The Applicants and the Respondent entered into a Tenancy Agreement commencing on 4 September 2018.
2. The monthly rent is £600 Pounds Sterling per calendar month payable in advance on the 4th day of each calendar month (4.1 of the tenancy agreement).
3. No payments were made in August and September 2018.
4. The Respondent still resides in the property.
5. The arrears of rent as at the date of the Hearing are $2 \times £600 = £1,200$.

Reasons for the Decision:

The Tribunal make the decision on the basis of the written evidence lodged by the Applicant. There is no dispute about the facts of the case. The rent outstanding as per the application was £1,200. No further payments of rent were made. There was no valid defence to the action. It is not in disputed that the sum applied for is due to the Applicants. The application was for payment of the outstanding sum and this had been intimated to the Respondent, who had fair notice of the application. The sum of £1,200 is due by the Respondent to the Applicants for the rental payments of August and September 2018.

Decision:

The order for payment of the sum of £1,200 to the Applicants is granted against the Respondent.

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.

Petra Hennig-McFatrige

Legal Member/Chair

28 November 2018

Date