

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 71 of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/19/3949

Re: Property at 24 Waddell Avenue, Glenmavis, ML6 0PA (“the Property”)

Parties:

Ms Margaret Dunn, 10 Avonside Grove, Hamilton, ML3 7DL (“the Applicant”)

Miss Jennifer Beaton, Mr Brendan Stokes, 24 Waddell Avenue, Glenmavis, ML6 0PA (“the Respondents”)

Tribunal Members:

Richard Mill (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant is entitled to an Order for Payment in the sum of Three Thousand Two Hundred and Thirty Five Pounds (£3,235.00).

The Hearing

The Applicant appeared personally. The Respondents had received intimation of the application and hearing by Sheriff Officer service on 8 January 2020. Neither had lodged written representations. Neither attended the hearing nor were they represented. The Applicant asked for the Order to be granted on the basis of the written application and supporting documents and her oral submissions.

Findings and Reasons

- 1. The parties entered into a private residential tenancy in respect of the Property at 24 Waddell Avenue, Glenmavis, ML6 0PA which commenced on 21 December 2018. The rent due was £375 per month. The Respondents persistently failed to make payment of the rental payments due.**

2. The Applicant applied for an Eviction Order which was granted by the Tribunal on 9 December 2019. The basis of the Eviction was the rent arrears. The Respondents have now left the property.
3. The rent due by the Respondents to the Applicant was £3,235 at the time of the application being made. The Applicant is entitled to recover this sum which is lawfully due.
4. The Tribunal attached weight to the unchallenged documentary evidence provided by the Applicant together with her oral evidence. This was found to be consistent, credible and reliable.

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.

R Mill

Legal Member/Chair

Date 7 February 2020