

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**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/18/0935**

**Re: Property at 198B Church Street, Tranent, East Lothian, EH33 1BL (“the Property”)**

**Parties:**

**Miss Gabriella Noonan, 14 Wilson Avenue, Prestonpans, EH32 9PD (“the Applicant”)**

**Mr Cameron McKinnon, Ms Kourtney McPhillips, 15 Coal Neuk Court, Tranent, EH33 1DR (“the Respondents”)**

**Tribunal Members:**

**Sarah O'Neill (Legal Member)**

**Decision (in absence of the Respondents)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment by the respondents of the sum of £1368 should be granted in favour of the applicant**

**Background**

An application was received on 18 April 2018 for a payment order brought in terms of rule 70 (Application for civil proceedings in relation to an assured tenancy under the Housing (Scotland) Act 1988) of Schedule 1 to the First Tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017 (“the 2017 rules”).

The applicant was seeking payment of rent arrears of £2288 from the respondents in relation to the property, being the amount of arrears outstanding as at 17 April 2018.

The application included copies of the tenancy agreement and form AT5, and a rent statement dated 18 April 2018.

Notice of the case management discussion, together with the application papers and guidance notes, had been served on both respondents at their current address by sheriff officers on behalf of the tribunal on 23 May 2018.

### **The Case Management Discussion**

A case management discussion was held on 19 June 2018 at George House, 126 George Street, Edinburgh EH2 4HH. The applicant was represented by Ms Catriona Waugh and Ms Laura Sommerville of Arden Property Management. The respondents were not present. No written representations had been received from the respondents.

The tribunal was satisfied that the requirements of rule 24(1) of the 2017 rules regarding the giving of notice of a hearing had been duly complied with. It therefore proceeded with the case management discussion on the basis of the representations made by the applicant's representatives, and all the material before it.

Ms Waugh told the tribunal that the tenants had fallen into arrears from around the time the applicant had served Notice to Quit on them. She referred the tribunal to the rent statement dated 18 April 2018 which had been lodged in support of the application. She advised that the tenants had moved out of the property on or around 17 April 2018, and that the sum outstanding as at that date was the amount shown on that statement i.e. £2288. Since the tenants had moved out, the applicant had successfully applied to retain the deposit of £920 paid by the respondents. The applicant was therefore now seeking an order for the remaining balance of unpaid rent, which came to £1368.

Ms Waugh said that attempts had been made to engage with the respondents, and that they had agreed to pay the outstanding arrears, but had failed to do so. She said that it had been very difficult to communicate with the respondents, and that they had stopped responding to any communication from the applicant or Arden Property Management.

### **Findings in Fact**

- The tribunal was satisfied that there had been a valid short assured tenancy in place between the parties.
- The respondents moved out of the property to their current address on or around 17 April 2018.
- As at 17 April 2018, the respondents owed the applicant the sum of £2288 in rental payments.

### **Reasons for Decision**

Having considered the terms of the short assured tenancy agreement, and the copy rent statement provided, the tribunal was satisfied that there remained an outstanding balance of rent arrears as at 17 April 2018 in the sum of £2288. Deducting the sum of £920 retained by the applicant in respect of the respondents' deposit, this left an outstanding balance of £1368. In the absence of any appearance by, or written representations from the respondent, the tribunal decided to make an order for payment by the respondent to the applicant of the sum sought.

### **Decision**

The tribunal grants an order for payment by the respondent to the applicant for the sum of £1368.

### **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.**

S O'Neil

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**Legal Member/Chair**

19/6/18  
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**Date**