



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/21/2400

Re: Property at Bridge View, Pluscarden Road, Elgin, IV30 1YF (“the Property”)

Parties:

Mr Alan Childs, Tansey, Auckengill, Wick, KW1 4XP (“the Applicant”)

Mr John Kirton, Michelle Lindsay Kirton, Residing c/o Burnside Caravan Park, Lennox Crescent, Fochabers, Moray, IV32 7ET (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member)

Decision (in absence of the Respondent)

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

Background

The Applicant seeks a Payment Order in the sum of £6,555.00 against the Respondents in respect of alleged rent arrears accrued by the Respondents under a tenancy at the Property. The Application is accompanied by a copy of the tenancy and a rent statement showing how the sum claimed was calculated.

The Case Management Discussion

The Application and information about how to join the conference call had been lawfully served on the Respondents by means of advertisement on the Tribunal website.

Permission for the Application to be served in this manner was granted as Sheriff Officers had been unable to establish the whereabouts of the Respondents.

The Application called for a Case Management Discussion (CMD) at 2pm on 24 January 2022. The Applicant was present together with Mr Angus Brown of Harper McLeod LLP as his representative. There was no appearance by or on behalf of the Respondent. The Tribunal decided to proceed in the absence of the Respondent.

Having heard from Mr Brown and the Applicant and having considered the Application and enclosures, the Tribunal made the following findings in fact.

Findings in Fact

- I. *The Applicant and the Respondents entered into a tenancy at the Property which commenced on 10 April 2018;*
- II. *The Applicant was the landlord and the Respondents were the tenants;*
- III. *The contractual monthly rent due was £1,095.00 per month;*
- IV. *The Respondents fell into rent arrears and vacated the Property with rent arrears lawfully due but unpaid in the sum of £ 6,555.00;*
- V. *This sum claimed takes account of the £2,095.00 deposit which was retained by the Applicant as a payment towards additional rent arrears accrued which left a balance of £6,555.00 which is the sum claimed.*

Reasons for Decision

Having made the above findings in fact, the Tribunal decided to grant the Application and make a Payment Order in favour of the Applicant against the Respondents in the sum of £6,555.00. Interest will run on that sum at the rate of three per cent from today's date until payment.

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.

Andrew McLaughlin

Legal Member/Chair

24/01/2022

Date