



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 16 of the Housing (Scotland)
Act 2016**

Chamber Ref: FTS/HPC/CV/18/2816

Re: Property at 19 Kersehill Crescent, Falkirk, FK2 9GH (“the Property”)

Parties:

Mrs Lesley Hurren, 13 Strathearn Court, Grangemouth, FK3 9HY (“the Applicant”)

Mr Thomas William Levi McConnachie, Ms Jinny McFarlane, 35 Hornbeam Crescent, Laurieston, FK2 9HZ (“the Respondent”)

Tribunal Members:

Gabrielle Miller (Legal Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant is entitled to an order for £3000.

Background

1. This is an application in terms of Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”). The Applicant is seeking an order for payment of the sum of £3000 in terms of s16 of the Housing (Scotland) Act 2014.
2. The parties entered into a Short Assured Tenancy between 26th January 2015 and 26th July 2015 which was continued on a month to month basis thereafter. The rent payments of £600 per month were due on or before the 26th day of each month in advance.

3. The Tribunal had before it the following documents:
 - a) Application signed on 16th October 2018 and received by the Housing and Property Chamber on 12th October 2018 stating outstanding rent arrears of £3000.
 - b) Short Assured Tenancy Agreement signed 26th January 2015.
 - c) Form AT5 signed by the parties on 26th January 2015.
 - d) Title deeds with reference STG49481.
 - e) Sheriff Officer certificate of citation for documents pertaining to CMD on 15th January 2019 at including date and time of the CMD. The certificate is dated 21st December 2018 and issued by letterbox delivery. The Sheriff Officer being satisfied that the Respondent resided at the Property.
 - f) Letter from Falkirk Council to Applicant requesting
4. The Respondents left the Property 12th October 2018 and returned the keys on 31st October 2018.

Case Management Discussion

5. The Tribunal held a Case Management Discussion ("CMD") on 15th January 2019 at STEP Stirling, Stirling Enterprise Park, John Player Building, Stirling. The Applicant was present. The Respondents were not present. The Tribunal proceeded in terms of Rule 29 of the Rules. The Tribunal considered the Application. The Respondents were written to on 20th December 2018 asking for any representations to be sent to the Housing and Property Chamber no later than 9th January 2019. No representations were submitted.
6. The Applicant explained that the outstanding amount currently totals £3600. The Applicant had copied the Housing and Property Chamber letters she had written to the Respondents to inform them of the total amount due. These letters were further copied to the Respondents by the Housing and Property Chamber. The Applicant has been informed by the deposit scheme that she is being given the deposit of £600. There is no outstanding Housing Benefits issue. The last contact with the Respondents regarding payments of their rent was on prior to May 2018. The last payment was in or around April 18.

Findings in Fact

7. The parties entered into a Short Assured Tenancy on 26th January 2015 with the commencement of the tenancy on 26th January 2015 for a 6 months period until 26th July 2015 and on a month to month basis thereafter. An AT5

was signed by both parties on the same date as the lease. The rent payments of £600 are due by the 1st day of each month.

8. The Housing and Property Chamber received an Application on 12th October 2018.
9. Rent payments have been missed.

Reasons for Decision and Decision

10. The Respondents have failed to make payment of the rent lawfully due in terms of the lease between the parties. The Tribunal was satisfied that there were no other issues of reasonableness before them. The Tribunal decided that the Respondents had persistently not paid the rent and were in arrears. As a consequence the Applicant was entitled to be granted the Order for payment of £3000 which is the outstanding rent of £3600 less £600 which is in the process of being returned from the deposit scheme.

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.

Gabrielle Miller

Legal Member/Chair

15th Jan 19

Date