



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/19/2501

Re: Property at 2/L 18 Aitken Street, Largs, KA30 8AU (“the Property”)

Parties:

Acre Lettings Ltd, 6 Stanlane Place, Largs, KA30 8DA (“the Applicants”)

Mr Jamie Wilson, Unknown, Unknown (“the Respondent”)

Tribunal Members:

Rory Cowan (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that a payment Order in the sum of £1,171.43 should be issued.

- **Background**

The Applicants sought an order for payment in relation to rent arrears for the Property. An application in terms of Rule 70 (Civil Proceedings) was received by the Tribunal on 9 August 2019 (the Application). With the Application the Applicants lodged the following:

- 1) Copy lease;
- 2) Copy Rent statement; and
- 3) Copy deposit protection certificate.

The Tribunal fixed a case management Discussion (CMD) for 7 October 2019 and this was intimated on the parties. The Respondent was advised that written representations would require to be lodged by 25 September 2019. No response was received. The Respondent was also advised that he required to attend the CMD on 7 October 2019 and that the Tribunal could make a decision on the Application if it had sufficient information and considered there procedure to have been fair.

- The Case Management Discussion

The CMD took place in the absence of the Respondent. The Applicants were represented by an Andrea Bell of Acre Lettings Limited. The Applicants indicated that they sought a payment order in the sum of £1,171.43 in relation to rent arrears and pointed to the rent schedule lodged to vouch that figure. She stated that the Respondent had vacated the Property on 19 March 2017 leaving these arrears. It was also stated that, whilst there had been a deposit of £100 this had been utilised to clean the Property, remove rubbish left by the Respondent as well as to redecorate in part. The deposit had been lodged with Safe Deposits Scotland and the application for repayment had been processed in accordance with their rules in favour of the Applicants. The Applicants also confirmed that there had been a previous attempt to pursue the Respondent using the simple procedure process at Kilmarnock Sheriff Court, but this had failed due to them being unable to trace the Respondent. That action had been dismissed.

- Findings in Fact

- 1) The Applicants and the Respondent entered into a tenancy agreement on 30 September 2016 for the property at 2/L 18 Aitken Street, Largs.
- 2) The rent due under that lease was £50 per week.
- 3) The Respondent vacated the property on or around 19 March 2017 leaving rent arrears of £1,171.43.

- Reasons for Decision

The Tribunal proceeded based on the written documents lodged and the oral submissions of the Applicants' representative. In terms of the tenancy agreement between the parties, the Respondent was due to pay rent at the rate of £50 per week. As at the date the Respondent vacated the Property, he was in arrears of rent in the amount of £1,171.43.

- Decision

An order for payment is granted against the Respondent in the sum of £1,171.43.

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.

Rory Cowan


Legal Member/Chair

7 October 2019
Date