



**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/19/2557

Re: Property at 33 Johnston Avenue, Cornton, Stirling, FK9 5DD (“the Property”)

Parties:

**Mr Manjinder Singh Sandhu, The Laurels, Abercromby Drive, Bridge of Allan,
FK9 4EA (“the Applicant”)**

**Ms Alexis Williams, 33 Johnston Avenue, Cornton, Stirling, FK9 5DD (“the
Respondent”)**

Tribunal Members:

Graham Harding (Legal Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that the Applicant was entitled to an order for payment by
the Respondent to the applicant in the sum of £8610.02**

Background

1. By application dated 14 August 2019 the Applicant’s representative Mailers, Solicitors, Stirling applied to the Tribunal for an order for the possession of the property and the ejection of the Respondent from the property in terms of Section 33 of the Housing (Scotland) Act 1988 (“the 1988 Act”). The application was supported by a copy of the tenancy agreement, Form AT5, acknowledgement of receipt of form AT5, Section 33 Notice and Notice to Quit with Certificate of Service and Statement of Rent Arrears.
2. By Notice of Acceptance dated 3 September 2019 a legal member of the Tribunal with delegated powers accepted the application and a Case Management Discussion was assigned.

3. Intimation of the Case Management Discussion was given to the Applicant's representative by post on 14 November 2019 and to the Respondent by Sheriff Officers on 15 November 2019.

The Case Management Discussion

4. The Applicant did not attend the Case Management Discussion ("CMD") but was represented by Mr Anderson of Mailers, Solicitors, Stirling. The Respondent did not attend and was not represented. The Tribunal being satisfied that the Respondent had been given proper intimation of the CMD determined to proceed in her absence in accordance with Rule 29 of the First-tier Tribunal Housing and Property Chamber (Procedure) Regulations 2017 ("the 2017 Rules").

5. For the Applicant Mr Anderson confirmed that the parties had entered into a Short Assured Tenancy Agreement that had commenced on 7 August 2006 and had endured for a period of two years until 6 August 2008 and had then continued from year to year thereafter by tacit relocation. The rent he said had remained at £570.00 per month throughout the tenancy.

6. Mr Anderson went on to say that the Respondent had not paid any rent since July 2017 and referred the Tribunal to the rent statement submitted with the application. He went on to explain that a previous application to the Tribunal under reference FTS/HPC/CV/18/1220 had granted an order for payment by the Respondent to the Applicant in the sum of £13646.75. The balance outstanding at the date of the application was £22256.77. He was therefore looking for a further order for the outstanding balance of rent due to the date of the application amounting to £8610.02. Mr Anderson said he had not sought to amend the sum claimed to take account of any further rent arrears as he was not confident that there were good prospects of recovery.

Findings in Fact

7. The parties entered into a Short Assured Tenancy Agreement that commenced on 7 August 2006 and endured until 6 August 2008 and continued thereafter from year to year at a monthly rent of £570.00.

8. The Respondent has paid no rent since July 2017 and has accrued total rent arrears of 22256.77.

9. The Applicant obtained a previous order for payment in the sum of £13646.75 and the remaining balance amounts to £8610.02.

Reasons for Decision

10. The Tribunal was satisfied from the documents produced and the oral submissions of the Applicant's representative that the parties had entered into a Short Assured tenancy Agreement that commenced in August 2006 and continued thereafter at a monthly rent of £570.00.

11. The Tribunal was satisfied from the documents produced and the oral submissions of the Applicant's representative at the CMD that the Respondent had accrued rent arrears amounting to £22256.77 and that as the Applicant had previously obtained from the Tribunal an order for payment in the sum of £13646.75 he was entitled to a further order for payment in the sum of £8610.02.

Decision

11. The Tribunal finds the Applicant entitled to an order for payment by the Respondent to the Applicant in the sum of £8610.02.

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.

Graham Harding

Legal Member/Chair

16 December 2019

Date