



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016 (Act)

Chamber Ref: FTS/HPC/CV/19/1086

Re: Property at Flat 1, 7 Claremont Terrace, Glasgow, G3 7XR (“the Property”)

Parties:

Mr David Milne, C/o Tay Letting Limited, 8 Eagle Street, Craighall Business Park, Glasgow, G4 9XA (“the Applicant”)

Mr Julian Terriaca, Ms Emma Johnstone, UNKNOWN, UNKNOWN (“the Respondents”)

Tribunal Members:

Alan Strain (Legal Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Respondents be ordered to pay the Applicants the sum of £1,933.56.

Background

This was an application under section 71 of the Act and Rule 111 of the Procedure Rules for payment in respect of alleged rent arrears.

The tribunal had regard to the following:

1. Application received 8 April 2019;
2. Tenancy Agreement;
3. Rent Schedule;
4. CMD Note dated 24 July 2019; and
5. Emails of 29 August and 2 September 2019 from the First Respondent.

Case Management Discussion (CMD)

The case called for a CMD on 6 September 2019. The Applicant was not present but was represented by Mr Cameron, Solicitor. The Respondents did not appear and were not represented.

The Tribunal were satisfied from the email exchange that the First Respondent had with the Tribunal Administration that he was fully aware of the Proceedings and had received notification of the CMD. The First Respondent was aware that the Tribunal could determine the matter in his absence if satisfied there was sufficient information to do so and the procedure was fair.

Service had been made by advertisement upon the Second Respondent so the Tribunal were satisfied that she had received notification.

The Tribunal then considered the emails lodged by the First respondent setting out his understanding of the sums due and asked for the Applicant's comments. Mr Cameron informed the Tribunal that they had not found any receipts as claimed by the First Respondent; that the washing machine had been replaced within a reasonable time frame and that the calculation of the sums due put forward by his client was correct.

The Tribunal considered the documentary evidence and made the following findings in fact:

1. The Parties entered in to a tenancy agreement commencing 18 February 2019 and ending 24 May 2019;
2. As at 24 May 2019 the sums due in respect of rental arrears were £1,933.56.

The Tribunal were satisfied that it had sufficient information to determine the matter and that the procedure had been fair. The Tribunal determined that the Respondents were due to pay the sum of £1,933.56 to the Applicant in respect of rent arrears and granted an order for payment in that amount.

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.

Alan Strain

Legal Member/Chair

6 September 2019

Date