



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.

Chamber Ref: FTS/HPC/CV/18/3014

Re: Property at 5 Victoria Road, Falkirk, FK2 7AU (“the Property”)

Parties:

Mr Gurmit aka Sonny Kareer, 15 Ventnor Road South, Leicester, LE2 3RN (“the Applicant”)

Ms Monika Szalai, 5 Victoria Road, Falkirk, FK2 7AU (“the Respondent”)

Tribunal Members:

David Preston (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to grant an order for payment by the respondent to the applicant of the sum of £3350.01.

Background

1. By application dated 5 November 2018 the applicant applied to the Tribunal for an order for payment of the sum of £3350.01, being arrears of rent arising from the respondent’s tenancy of the property in terms of Rule 111 of the First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (application for civil proceedings in relation to a private residential tenancy).
2. Along with the application the applicants lodged: Private Residential Tenancy Agreement dated 6 April 2018; and Rent Payment Account/schedule showing rent paid and received.
3. A CMD on 14 February 2019 was postponed until today following the grant of an application for postponement by the respondent because she was unable

to attend due to work commitments and for an interpreter to be provided by the Tribunal. The legal member agreed to grant the adjournment and a fresh CMD was scheduled for 28 March 2019 at STEP Stirling, Stirling Enterprise Park, John Player Building, Stirling FK7 7RP.

4. A copy of the Note of Proceedings and Outcome from the CMD on 14 February 2019 was sent to the respondent on 15 February 2019 and a letter providing details of the date and time of the fresh CMD was sent to her on 6 March 2019.
5. The applicant did not attend the CMD but was represented by his agent Mr David Aiton, Sinclair Services, 65 Montgomery Street, Kinross, KY13 8EB. The tribunal waited until 1405 before convening the CMD but respondent did not attend and was not represented.
6. Following the CMD on 14 February 2019 the applicant lodged an updated rent statement which demonstrated that the last payment of rent had been made by the respondent on 8 August 2018.

Case Management Discussion

7. Mr Aiton confirmed that no further rent had been paid since 8 August 2019 but confirmed that he did not seek to amend the application for the further rent arrears.
8. The respondent had not submitted any representations regarding the arrears to the tribunal.

Findings in Fact and Reasons

9. The applicant and respondent entered into a Private residential Tenancy dated 6 April 2018.
10. Rent under the Agreement was due to be paid at the rate of £450 per month.
11. Rent was paid in full up to 8 May 2018, after which shortfalls in payment began to accrue. No rent had been paid since 8 August 2018.
12. As at 8 February 2019 the total rent outstanding amounted to £3350.01. No further rent had been paid since that time.
13. The respondent had received all relevant papers and had not responded to the application.

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.

D Preston

Legal Member/Chair

28 April 2019

Date