

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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

**Chamber Ref: FTS/HPC/CV/19/2774**

**Property: 22 Carthagera Avenue, Dumfries DG1 4XN**

**Parties:**

**Mr Donald Walker, 16 Noblehill Avenue, Dumfries DG1 3HN (“the applicant”)**

**Ms Veronica Brown, formerly residing at the property and whose whereabouts is currently unknown (“the respondent”)**

**Tribunal Member:**

**David Preston (Legal Member) (“the tribunal”)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment by the respondent to the applicant of the sum of ONE THOUSAND NINE HUNDRED AND TWELVE POUNDS AND FIFTY PENCE (£1912.50) should be made.**

**Background:**

1. By application dated 4 September 2019 the applicant applied for an order for payment in respect of arrears of rent amounting to £1325.
2. The papers before the tribunal comprised: Private Residential Tenancy Agreement dated; rent statement to 1 June 2019 showing arrears of rent to that date of £1325.
3. By Decision dated 23 September 2019, a Convener of HPC having delegated power for the purpose, referred the application under rule 9 of the Rules to the tribunal. A letter of Intimation dated 27 September 2019, with Notice of the Case Management Discussion (CMD) to be held on 30 October 2019 was sent to the respondent. at the CMD on 30 October the applicant sought to increase the arrears as the respondent did not vacate the property until 7 October 2019 with the result that additional arrears had accrued of £562.50. The Legal Member of the tribunal adjourned the CMD on cause shown to a continued CMD scheduled for 19 December 2019 to allow the applicant to amend his application and intimate the amendment on the respondent. Following the CMD the applicant submitted an email on 1 November 2019 to amend his application to seek to

recover arrears of £1912.50. Thereafter efforts were made to serve notice of the adjourned CMD on the respondent without success. On 5 November 2019 the applicant submitted a request for Service by Advertisement which was granted by the tribunal on 15 November 2019. The CMD scheduled for 30 January 2020 was served by advertisement conform to Certificate of Service by Advertisement dated 30 January 2020 which was presented to the tribunal.

### **Case Management Discussion**

4. The applicant attended the tribunal by telephone. There was no appearance by or on behalf of the respondent.
5. Notice of the CMD had been served on the respondent by advertisement as detailed above.

### **Reasons for Decision:**

6. Rule 17 of the Regulations states that the tribunal may do anything at a CMD which it may do at a hearing, including making a decision. The tribunal decided that, on the basis of the information presented to it, it was able to determine the application at the CMD.
7. The tribunal was satisfied that the amended application and notice of the CMD had been validly served on the respondent and that the evidence demonstrated that the arrears of rent amounted to the sum sought and accordingly determined to issue the order for payment.

### **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.**

David Preston

30 January 2020

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**Legal Member/Chair**

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**Date**