

Housing and Property Chamber
First-tier Tribunal for Scotland



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

Chamber Ref: FTS/HPC/CV/18/2809

Re: Property at 10 Glenburn Terrace, Carluke, ML8 5AR (“the Property”)

Parties:

Mr Beka Kurmashvili, 1 Murray Road, Law, Carluke, ML8 5HR (“the Applicant”)

Mr Paul James Bryce, UNKNOWN, UNKNOWN (“the Respondent”)

Tribunal Member:

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

Decision (in absence of the Respondent)

The tribunal determined that the respondent pay to the applicants the sum of Four thousand four hundred six pounds (£4400) being arrears of rent under the Tenancy Agreement between the parties.

Background:

1. By application dated 19 October 2018 the applicants applied to the Tribunal under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Regulations”) for an order for payment in respect of arrears of rent. The application was accompanied by a copy of the Private Residential Tenancy Agreement dated 21 November 2018 and the tribunal was provided with a copy Rent Statement dated 10 May 2019.

Case Management Discussion (CMD)

2. The applicant attended in person and the respondent neither appeared nor was represented.
3. Notice of the Case Management Discussion had been intimated by Advertisement and the respondent had been notified by email on 9 April 2019. The tribunal was satisfied that due notice had been given to the respondent to which he had failed to respond.

4. The applicant advised that the respondent had taken occupation of the property on 10 September 2018 and had paid rent for the first few weeks of occupation but had failed to make any payment since the end of September 2018.
5. It appeared that the respondent was no longer living at the property. The tribunal noted a report from Sheriff Officers dated 28 January 2019 following on their attempt to serve papers in which they said that the tenant had removed from the property before Christmas. The applicant said that the keys had not been returned to him despite a number of texts from the tenant saying that he would return the keys to him.

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 accepted the information in the file and as provided by the applicant and 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.

D Preston

Legal Member/Chair

Date

15/5/19.