



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 (1) of the Private Housing (Tenancies) Act 2016

Chamber Ref: FTS/HPC/CV/19/0318

Re: Property at 28 Robson Court, Hawick, TD9 8HL (“the Property”)

Parties:

Mr John Robertson, 1 North Bridge Street, Hawick, TD9 9BD (“the Applicant”)

Mr William Rackstraw, 28 Robson Court, Hawick, TD9 8HL (“the Respondent”)

Tribunal Members:

Martin McAllister (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted an order against the Respondent for payment to the Applicant of the sum of One thousand and thirty one pounds (£1,031).

Background

This is an action for payment arising from alleged arrears of rent. The Applicant and the Respondent entered into a private residential tenancy agreement on 31st August 2018. This was in respect of the Property and the agreed monthly rent was £300. The rental statement, which accompanied the Application, showed arrears of £1,031 as at 30th December 2018. Sheriff Officers had served the application on the Respondent on 4th April 2019.

Case Management Discussion

The Applicant was present and there was no appearance from the Respondent.

The procedure of the case management discussion was explained to the Applicant.

Mr Robertson advised that, as far as he was aware, the Respondent was still in the Property and that he had submitted an application for eviction which is currently being considered by

the Tribunal. He said that the current level of arrears was £1, 631. He indicated that he was not looking for an order for that sum and that he would restrict it to £1,031. He said that he might submit another application once he knew the final sum of arrears.

Mr Robertson said that, as far as he knew, the Respondent's failure to pay rent had nothing to do with delay in payment of any benefit or any other issue with benefits. He said that, at the start of the tenancy, a reference from the Respondent's employer had been obtained and that, as far as he was aware, he was still employed.

Outcome

I considered matters and determined that it was reasonable to grant the order of payment requested. I saw no benefit in continuing the matter to a Hearing.

Reasons

The application had been served on the Respondent who had neither made representations nor attended the case management discussion. The Applicant had lodged a statement showing arrears of rent of £1,031 and he stated that the level had increased to £1,631.

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") granted an order against the Respondent for payment to the Applicant of the sum of One thousand and thirty one pounds (£1,031).

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.

Martin McAllister

Martin J. McAllister, Legal Member 25th April 2019