



**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) (Scotland) Act 2016 (Act)**

**Chamber Ref: FTS/HPC/CV/20/0652**

**Re: Property at 93A Clydesdale Road, Bellshill, ML4 2QH (“the Property”)**

**Parties:**

**Starry Investment LTD, Milton House, 33A Milton Road, Hampton, Middlesex, England, TW12 2LL (“the Applicant”)**

**Mr Marek Witold Kapica, 93A Clydesdale Road, Bellshill, ML4 2QH (“the Respondent”)**

**Tribunal Members:**

**Alan Strain (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the order for payment be granted in the sum of £8,400.00.**

**Background**

This is an application under Rule 111 and section 71(1) of the Act in respect of alleged rent arrears during the tenancy of the Property.

The Tribunal had regard to the following documents:

1. Application received 24 February 2020;
2. Private Residential Tenancy Agreement (**PRTA**) commencing 10 September 2018;
3. Rent Statement as at date of application;
4. Sheriff Officer Certificate of Service of Tribunal CMD Notification on the Respondent dated 9 July 2020;
5. Application to amend the sum sued for dated 23 July 2020..

## **Case Management Discussion (CMD)**

The case called for a CMD by conference call on 11 August 2020. The Applicant did not participate but was represented. The Respondent did not participate and was not represented.

The Tribunal delayed the start of the CMD to see if the Respondent would participate. He did not.

The Tribunal were satisfied that the Respondent had received notification of the Case Management Discussion and that the Tribunal could determine the matter if it considered it had sufficient information to do so and the procedure was fair. The notification also advised the Respondent that he must attend and the Tribunal could determine the matter in absence if he did not.

The Applicant's representatives had lodged and intimated an application to amend the sum sued for to £8,400 on 23 July 2020. This had been served on the Respondent by recorded delivery post.

The Applicant's representative invited the Tribunal to grant the application to amend and the order sought.

The Tribunal then considered the documentary evidence it had received from the Applicant and in so far as material made the following findings in fact:

1. The Parties let the subjects under a PRTA commencing 10 September 2018;
2. The monthly rent was £375.00;
3. The Respondent was currently £8400 in arrears of rent.

The Tribunal considered that it had sufficient information to determine the matter at this stage and the procedure was fair.

The Tribunal was satisfied that the arrears had been established and accordingly amended the sum sued for to £8,400 and granted the application for payment in the sum of £8,400.

## **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.**

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**Legal Member/Chair**

11 August 2020

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**Date**