



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 16 of the Housing (Scotland)
Act 2014 (Act)**

Chamber Ref: FTS/HPC/CV/20/1143

**Re: Property at 5 Cocklaw Cottage, Ayton Cocklaw Farm, Eyemouth,
Berwickshire, TD14 5RJ (“the Property”)**

Parties:

**Mr Norman Steele, Mrs Karen Steele, Ayton Cocklaw Farm, Ayton, Eyemouth,
Berwickshire, TD14 5RJ (“the Applicant”)**

Mr Michael Curry, UNKNOWN, UNKNOWN, UNKNOWN (“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 in the sum of £11,451.52 be
granted.**

Background

This is an application under section 16 of the Act and Rule 70 of the Procedure
Rules for payment in respect of rent arrears.

The following documents were considered by the Tribunal:

1. Application received 1 May 2020;
2. Schedule of Rent Arrears;
3. Certificate of Service of Tribunal Notification of the CMD by advertisement on
the Respondent dated 16 September 2020.

Case Management Discussion (CMD)

The case called for a CMD by conference call on 16 September 2020. The Applicants participated and were represented. The Respondent did not participate and was not represented.

The Tribunal were satisfied that service of notification of the CMD had been made by the Tribunal Administration on the Respondent. The Respondent accordingly had notice that the Tribunal could proceed and determine matters in his absence if it considered that it had sufficient information to do so and the procedure was fair.

The Tribunal decided that it was fair and reasonable to proceed in the circumstances.

The Tribunal noted that the Applicants' agents had lodged an application to amend the sum sued for on 1 September 2020. The Tribunal granted the application to amend.

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 an Assured Tenancy commencing 1 September 2012;
2. The Monthly rent was £550;
3. As at the date of the CMD the rental arrears were £11,451.52.

The Tribunal considered the rental arrears had been established.

In granting the order the Tribunal was satisfied that the decision was in accordance with the overriding objective.

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.

Alan Strain

16 September 2020

Legal Member/Chair

Date

