



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/21/2139

Re: Property at 16 Ramsay Crescent, Bathgate, EH48 1DD (“the Property”)

Parties:

Mr Stewart Turner, 33 Hunter Terrace, Loanhead, EH20 9SJ (“the Applicant”)

Miss Lauren Black, 16 Ramsay Crescent, Bathgate, EH48 1DD (“the Respondent”)

Tribunal Members:

Ms H Forbes (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment should be granted in the sum of £2980.

Background

1. This is an application received in the period between 2nd and 24th September 2021 made in terms of Rule 111 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, as amended (‘the Rules’). The Applicant is the landlord of the Property, and the Respondent is the tenant, in terms of a tenancy agreement that commenced on 1st December 2019 at an agreed rent per month of £550. The Applicant’s representative lodged a copy of the tenancy agreement and a rent statement. The Applicant was seeking an order for payment for unpaid rent in the sum of £1880.
2. The application and notification of a forthcoming case management discussion was served on the Respondent by sheriff officers on 26th October 2021.
3. By email dated 28th October 2021, the Applicant’s representative lodged an updated rent statement showing arrears in the sum of £2430.

4. By email dated 4th November 2021, the Applicant's representative lodged an updated rent statement and an application seeking to increase the sum sought to £2980.

The Case Management Discussion

5. A Case Management Discussion ("CMD") took place by telephone conference on 30th November 2021. The Applicant was not in attendance and was represented by Ms Samantha Fraser. The Respondent was not in attendance.
6. The Tribunal considered the terms of Rule 29. The Tribunal determined that the Respondent had been given reasonable notice of the time and date of the Hearing, together with details on joining the telephone conference. The Tribunal determined that the requirements of Rule 17(2) had been satisfied and that it was appropriate to proceed with the application in the absence of the Respondent upon the representations of the Applicant's representative and the material before the Tribunal.
7. Ms Fraser asked the Tribunal to grant an order for payment in the sum of £2980, as no payment has been made towards the arrears. Responding to questions from the Tribunal as to whether the application to increase had been served upon the Respondent, Ms Fraser provided email notification during the CMD, which indicated that the Respondent had been sent intimation of the application to increase the sum sought on 11th November 2021.

Findings in Fact and Law

8.
 - i. Parties entered into a private residential tenancy agreement in respect of the Property that commenced on 1st December 2019 at an agreed rent of £550 per month.
 - ii. Rent lawfully due in terms of the tenancy agreement was not paid by the Respondent.
 - iii. The Applicant is entitled to recover rent lawfully due.

Reasons for Decision

9. The Respondent has failed to make payment of rent lawfully due. The Applicant is entitled to recover rent lawfully due in terms of the tenancy agreement between the parties.

Decision

10. An order for payment is granted in favour of the Applicant in the sum of £2980.

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.

Legal Member/Chair

30th November 2021

Date