



**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**

Chamber Ref: FTS/HPC/CV/21/2544

Re: Property at 1A Avils Hill, Kilbirnie, KA25 6BN (“the Property”)

Parties:

Ms Kyra Adolfsen, 38 Robinwood Drive, Seal, Sevenoaks, TN15 0TA (“the Applicant”)

Mr Paul Smith, Unknown, Unknown (“the Respondent”)

Tribunal Members:

Alison Kelly (Legal Member) and Janine Green (Ordinary 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 in the amount of £2921.85

Background

The Applicant lodged an application on 15th October 2021 under Rule 111 of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”) seeking payment of a sum of rent arrears.

Lodged with the Application were:

1. Copy Tenancy Agreement commencing 26th October 2020 with a monthly rent of £300;
2. Rent Statement.

The Application was served on the Respondent by Sheriff Officer on 3rd December 2021.

On 12th January 2022 the Applicant lodged an up-to-date rent statement.

Case Management Discussion

The Case Management Discussion (“CMD”) took place by teleconference. The Applicant was represented by Ms Amy Rose Farrell of Glow Homes Letting and Sales Ltd. The Respondent did not attend and was not represented.

The Chairperson confirmed the purposes of a CMD in terms of Rule 17 of the Rules.

The linked eviction case had already been continued to a fresh CMD so Ms Farrell sought that this application be continued to a fresh CMD on the same date to allow her to amend the sum sought to reflect the arrears to date. The Tribunal were happy to grant the request.

The eviction action was subsequently withdrawn.

In an email to the Tribunal dated 21st February 2022 the Applicant’s agent advised that the Respondent had left the property, and they asked to amend the sum sued for to £2921.85. An up-to-date rent statement was provided showing this balance.

Further Case Management Discussion

A further CMD took place on 11th March 2022.

The Applicant was represented by Ms Amy Rose Farrell of Glow Homes Letting and Sales Ltd. The Respondent did not attend and was not represented.

The Chairperson confirmed the purposes of a CMD in terms of Rule 17 of the Rules.

Miss Farrell moved for a payment order in the amount of £2921.85 to be granted in terms of the up-to-date rent statement. She had not been able to intimate the increase on the Respondent as he had abandoned the tenancy without leaving a forwarding address. In the circumstances the tribunal were prepared to grant the order for the increased amount.

Findings In Fact

1. The parties entered in to a tenancy Agreement in relation to the rental of the property;
2. The start date was 26th October 2020;
3. The monthly rent was £300;
4. The Respondent left the property on
5. The arrears at the time the action was raised were £1795;
6. The arrears at the time the Respondent left were £2921.85.

Reasons For Decision

The Respondent owes the Applicant the sum of £2921.85.

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.

A. Kelly

11th March 2022

Legal Member/Chair

Date