



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/22/0160

Re: Property at 12 Lesmurdie House, Elgin, IV30 4JF (“the Property”)

Parties:

Mr Alistair Ross, 23 Hay Street, Elgin, Moray, IV30 1NH (“the Applicant”)

Mr Steven Kelly, 12 Lesmurdie House, Elgin, Moray, IV30 4JF (“the Respondent”)

Tribunal Members:

Ms H Forbes (Legal Member) and Mrs M Lyden (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 should be granted in favour of the Applicant in the sum of £9,825.

Background

1. This is an application dated 18th January 2022, 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 was seeking an order for payment in respect of unpaid rent by the Respondent in the sum of £9,825. The Applicant’s representative lodged a copy of a Private Residential Tenancy agreement between the parties in respect of the Property which commenced on 1st December 2018 at a monthly rent of £550, copy correspondence sent to the Respondent, and a rent statement.
2. Intimation of the application and Case Management Discussion was made upon the Respondent by Sheriff Officers on 2nd March 2022.

Case Management Discussion

3. A Case Management Discussion (“CMD”) took place by telephone conference on 14th April 2022. The Applicant was not in attendance and was represented by Mr Peter Brash, Solicitor. The Respondent was not in attendance.

4. 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 CMD and that the requirements of Rule 17(2) had been satisfied and it was appropriate to proceed with the application in the absence of the Respondent.
5. Mr Brash moved the Tribunal to grant an order for payment in the sum sought, which was the outstanding rent arrears at the time of making the application. No rent has been paid since the application was made.

Findings in Fact and Law

6.
 - i. Parties entered into a private residential tenancy agreement in respect of the Property that commenced on 1st December 2018 at a monthly rent of £550.
 - ii. Rent lawfully due in terms of the tenancy agreement has not been paid by the Respondent.
 - iii. The Applicant is entitled to recover rent lawfully due.

Reasons for Decision

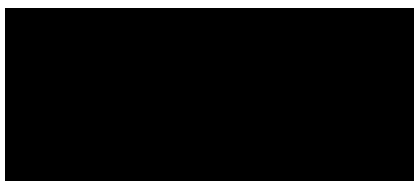
7. The Respondent has failed to make payment of rent lawfully due. The Applicant is entitled to recover rent lawfully due in terms of the tenancy agreement between the parties.

Decision

8. An order for payment is granted in favour of the Applicant in the sum of £9,825.

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

14th April 2022

Date