



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/22/3487

Re: Property at Craigroyston, Culbokie, Dingwall, IV7 8LA (“the Property”)

Parties:

Ms Stella Keith, 17 Englishton Muir, Bunchrew, Inverness, IV3 8RQ (“the Applicant”)

Mr Colin Mackie, Victoria Mackie, Craigroyston, Culbokie, Dingwall, IV7 8LA (“the Respondent”)

Tribunal Members:

Alan Strain (Legal Member) and Sandra Brydon (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 be granted in the sum of £14,510.

Background

This is an application under Rule 111 of *The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (Rules)* and section 71(1) of the Act in respect of a claim for payment of alleged rent arrears.

The Tribunal had regard to the following documents:

1. Application received 23 September 2022;
2. Private Residential Tenancy Agreement (**PRTA**) commencing 1 September 2020;
3. Rent Arrears Statement;
4. Applicant’s Affidavit dated 14 June 2022;
5. Certificate of Service of Tribunal CMD Notification on the Respondent by Sheriff Officers dated 23 January 2023;

6. Application to amend dated 14 February 2023;
7. Letter from Tribunal to Respondent enclosing application to amend dated 20 February 2023.

Case Management Discussion (CMD)

The case called for a CMD by conference call on 3 March 2023. The Applicant participated and was represented by her Solicitor. The Respondent did not participate and was not represented.

The Tribunal delayed the start of the CMD to see if the Respondent would participate but 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 they should attend and the Tribunal could determine the matter in absence if they did not.

The Applicants' Representative confirmed that the amount of arrears had increased to £14,510. He moved the Tribunal to grant the application to amend which had been submitted on 14 February 2023.

The Tribunal granted the application to amend.

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

1. The Parties let the subjects under a PRTA commencing 1 September 2020;
2. The monthly rent was £900;
3. As at 14 February 2023 the Respondent was in arrears of rent in the sum of £14,510.

Decision and Reasons

The Tribunal was satisfied that in the circumstances the Applicant was due the outstanding rent from the Respondent and granted the order sought.

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. Strain

3 March 2023

Legal Member/Chair

Date