



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/23/0030

Re: Property at 59 Barncraig Street, Buckhaven, Fife, KY8 1JF (“the Property”)

Parties:

Holcamp Investments Limited, 42 Toll Court, Lundin Courts, Fife, KY8 6HH (“the Applicant”)

Mr Craig Kelly, 17 Brown Street, Buckhaven, Fife, KY8 1JW (“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 an order for payment be granted in the sum of £1,993.00.

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 4 January 2023;
2. Private Residential Tenancy Agreement (**PRTA**) commencing 28 November 2020;
3. Rent Arrears Statement as at 31 July 2022;
4. Certificate of Service of Tribunal CMD Notification on the Respondent by Sheriff Officers dated 21 March 2023.

Case Management Discussion (CMD)

The case called for a CMD by conference call on 25 April 2023. The Applicant participated and was represented by its Director, Colin Fleming. 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 he should attend and the Tribunal could determine the matter in absence if he did not.

The Applicants' Representative confirmed that the amount of arrears at the end of the PRTA were £1,993. He moved the Tribunal to grant an order in that amount.

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 28 November 2020;
2. The monthly rent was £400;
3. As at the termination of the PRTA on 31 July 2022 the Respondent was in arrears of rent in the sum of £1,993.

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.

Alan Strain

25 April 2023

Legal Member/Chair

Date