



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ('The Procedure Rules) in relation to an application for civil proceedings relative to a Private Residential Tenancy under Rule 111 of the Procedure Rules.

Chamber Ref: FTS/HPC/CV/21/2573

Re: 25 St Serf's Walk, Alva, FK12 5DJ ("the Property")

Parties:

Kevin Bryson residing at 84 Forthview Crescent, Currie, EH14 5QT ("the Applicant")

Harry Crombie, Prudent Property Management (Scotland) Ltd, 19 Stoneyflatts Park, South Queensferry, EH30 9YL ('the Applicant's Representative')

Orla Broderick residing at 10 North Road, Forres, IV36 3YA ("the Respondent")

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal")

Tribunal Member: Jacqui Taylor (Legal Member)

Decision (In absence of the Respondent)

The Tribunal determined that an order for payment would be issued requiring the Respondent to pay the Applicant the sum of £1795.29.

Background

1. The Applicant submitted an application to the Tribunal for payment of arrears of rent and late payment charges in the sum of £1795.29, being the sum outstanding as at 10th November 2020.

2. Documents lodged with the Tribunal.

Documents lodged with the Tribunal by the Applicants were:

2.1 A copy of the Tenancy Agreement.

2.2 Rent Statement

3.Requirements of Section 111 of the Procedure Rules.

3.1 In connection with the requirements of section 111 the Tribunal determined that the application correctly detailed the requirements of section 111(i), (ii) and (iii) of the Procedure Rules namely:-

- (i) the name and address of the Applicant.
- (ii) the name and address of the Respondent.
- (iii) the reason for making the application.

3.2 The Tribunal also confirmed that the application had been accompanied by the documents specified in **Section 111(b)(i) and (ii) and (iii)** of the Procedure Rules being a copy of the lease and the statement of rent arrears.

4.Outcome

This case called for a conference call Case Management Discussion (CMD) at 14.00 on 11th April 2022.

Michael Buxton, Director of Prudent Property Management (Scotland) Limited attended on behalf of the Applicant.

The Respondent did not attend and was not represented.

The Respondent had not provided any written representations.

The Respondent had been served details of the CMD by Advertisement on the Tribunal website in terms of Tribunal Rule 6A. The Tribunal were satisfied that the requirements of Tribunal Rule 29 had been complied with and continued with the CMD.

4.1 Mr Buxton confirmed the following facts, which were accepted by the Tribunal:

4.1.1 The Applicant had been the Landlord of the property 25 St Serfs Walk, Alva, FK12 5DJ registered in the Land Register of Scotland under Title Number CLK4681, prior to the sale of the subjects in March 2021.

4.1.2 The Respondent had been the Tenant of the Property in terms of the Private Residential Tenancy between the parties dated 31st October 2019.

4.1.3 The Tenancy commenced on 30th October 2019 and terminated on 10th November 2020.

4.1.4 The rent due in terms of the tenancy was £495 per month, payable monthly in advance.

4.2 Michael Buxton advised that Tribunal that the arrears to 10th November 2020 amounted to £1795.29 after deduction of the deposit of £495 which had been repaid direct to the Landlord. He referred the Tribunal to the rent statement that had been produced.

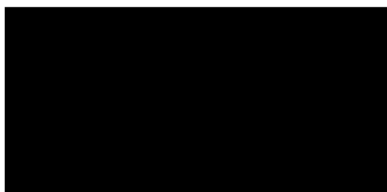
5. Decision

5.1 The Tribunal accepted as correct the evidence of the rent statement produced which showed the outstanding rent to be £1795.29 a copy of which had been provided to the Respondent.

5.2 The Tribunal determined that the outstanding rent due by the Respondent amounted to £1795.29 and accordingly they issued an Order for Payment in this sum.

6. 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

Date: 11th April 2022