



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/21/3206

Re: 5 Dalmore Drive, Alva, FK12 5DD ("the Property")

Parties:

Mohammed Atif Siddique residing at 4 Myretoungate, Alva, FK12 5NH ("the Applicant")

Kevin Valentine, Stirling Property Shop, 24 Friars Street, Stirling, FK8 1HA ('the Applicant's Representative')

James Bell residing at 5 Dalmore Drive, Alva, FK12 5DD ("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 £5800.

Background

1. The Applicant submitted an application to the Tribunal for payment of arrears of rent in the sum of £5800 being the sum outstanding as at 31st October 2021.

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 11.30am on 11th April 2022.

Negumi Huntly, property manager with Stirling Property Shop 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 with a letter advising him of the CMD by Stephen McCallum, Sheriff Officer on 25th February 2022. The Tribunal were satisfied that the requirements of Tribunal Rule 29 had been complied with and continued with the CMD.

4.1 Negumi Huntly confirmed the following facts, which were accepted by the Tribunal:

4.1.1 The Applicant is the Landlord of the Property 5, Dalmore Drive, Alva, KA12 5DD being the subjects registered in the Land Register of Scotland under Title Number CLK5665 ('the Property').

4.1.2 The Respondent is the Tenant of the Property in terms of the Private Residential Tenancy between the parties dated 1st August 2020.

4.1.3 The Tenancy commenced on 1st August 2020. The Respondent still resides in the Property.

4.1.4 The rent due in terms of the tenancy is £500 per month, payable monthly in advance.

4.2 Ms Huntly advised that Tribunal that the current arrears amounted to £8085.82 but she had not lodged an application to amend the sum sought. She sought payment of the sum of £5800 being the outstanding rent due as at 31st October 2021.

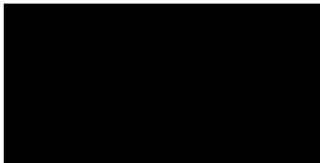
5. Decision

5.1 The Tribunal accepted as correct the evidence of the rent statement produced which showed the outstanding rent to be £5800 as at 31st October 2021, 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 £5800 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