



**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/22/1611**

**Re: Property at Apt A, 34-42 Bridge Street, Dunfermline, Fife, KY12 8DA (“the Property”)**

**Parties:**

**Mrs Elaine Fletcher, 6 Alva Street, Edinburgh, EH2 4QG (“the Applicant”)**

**Mr Greg Fisher, UNKNOWN, UNKNOWN (“the Respondent”)**

**Tribunal Members:**

**Nicola Irvine (Legal Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted an Order for Payment against the Respondent in favour of the Applicant in the sum of £1,993.06.**

**Background**

1. The Applicant submitted an application under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. The Applicant sought an order for payment in respect of rent arrears said to have been incurred by the Respondent.
2. By decision dated 7 July 2022, a Convenor of HPC having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion.
3. A case management discussion (“CMD”) was assigned for 16 September 2022. The Tribunal instructed sheriff officers to intimate the application to the Respondent. On 24 August 2022 the Tribunal advised the Applicant’s

representative that sheriff officers were unsuccessful in serving the application on the Respondent at the address given and that the CMD had been cancelled.

4. On 28 September 2022, the Applicant's representative submitted a request for service by advertisement. The request was accompanied by a report from sheriff officers which indicated that the Respondent could not be traced.
5. The Tribunal assigned a CMD for 19 December 2022 at 10am. Service of the application was effected on the Respondent by advertisement on the website of the First-tier Tribunal for Scotland Housing and Property Chamber on 18 November 2022.

### **The case management discussion**

6. The case management discussion took place by conference call. The Applicant was represented by Ms Reid and she was accompanied by her colleague, Ms Scott. The Respondent did not join the conference call and the discussion proceeded in his absence. The Applicant's representative explained that the Respondent vacated the property without notice on 2 June 2022. As a result of that, the Applicant withdrew an application for an eviction order against the Respondent. The Applicant recovered the deposit in full and that was applied to dilapidations. The Respondent had incurred arrears of rent totalling £1,993.06. The Applicant apportioned the rent due up to 2 June 2022 and the rent statement lodged reflects the full sum due by the Respondent. The Applicant's representative moved for an order for payment in the sum of £1,993.06.

### **Findings in Fact**

7. The parties entered into a private residential tenancy which commenced 5 August 2020.
8. The Respondent was obliged to pay rent at the rate of £675 per month, in advance.
9. As at the date of this case management discussion, the rent arrears due by the Respondent amounted to £1,993.06.

### **Reason for Decision**

10. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the case management discussion. The Respondent failed to participate in the discussion and did not lodge any written submissions. The rent statement lodged demonstrated the accrual of rent arrears. There was nothing to indicate that the Respondent disputed the level of rent arrears shown on the rent statement. The Tribunal was satisfied that the sum of £1,993.06 is due to the Applicant in respect of rent arrears.

## **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.**

Nicola Irvine

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Legal Member/Chair

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19 December 2022

Date