



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the Housing (Scotland) Act 2014 (Act)

Chamber Ref: FTS/HPC/CV/23/2115

Re: Property at 66 Wellgate Street, Larkhall, ML9 2AG (“the Property”)

Parties:

Mrs June Finlay, Woodfoot Stables, Millheugh, Larkhall, ML9 1QZ (“the Applicant”)

Mr David Lees, 66 Wellgate Street, Larkhall, ML9 2AG (“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 the order for payment be granted in the sum of £2,209.59.

Background

This is an application under Rule 70 of the Tribunal Procedure Rules and section 16 of the Act for payment in respect of alleged rent arrears.

The Tribunal had regard to the following documents:

1. Application received 27 June 2023;
2. Short Assured Tenancy Agreement (**SAT**) commencing 21 October 2011;
3. Schedule of Rent Arrears at end of tenancy on 9 August 2023;
4. Certificate of Service of CMD Notification on Respondent dated 27 September 2023.

Case Management Discussion (CMD)

The case called for a CMD by conference call on 1 November 2023. The Applicant participated and represented herself. 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 Applicant confirmed to the Tribunal that the Respondent had vacated the Property and as at the date the tenancy ended there were some £2,209.59 of rent arrears.

The Applicant asked the Tribunal to deal with the matter on the basis of the documentation before it.

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

1. The Parties let the subjects under a SAT commencing 21 October 2011;
2. Monthly rent was £375;
3. As at the termination of the SAT there was £2,209.59 rent due which remained outstanding.

The Tribunal granted the order for payment in the sum of £2,209.59.

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/Chair

1st November 2023

Date