



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/23/2722

Re: Property at 2/1 52 West Princes Street, Helensburgh, G84 8UG (“the Property”)

Parties:

Mrs Charlotte Duncan, 2 Adelaide Street, Helensburgh, G84 7AF (“the Applicant”)

Mr Paul Willis, whose present whereabouts are unknown (“the Respondent”)

Tribunal Members:

Richard Mill (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted an order against the Respondent for payment to the Applicant the sum of Three Thousand One Hundred Pounds (£3,100)

Introduction

This is an application under rule 111 and section 71 of the Private Housing (Tenancies) (Scotland) Act 2016.

Service of the proceedings and intimation of the Case Management Discussion (‘CMD’) was effected upon the respondent by Service by Advertisement on the Chamber website from 8 December 2023.

The CMD took place by teleconference on 17 January 2023 at 11.30 am. The applicant joined the hearing and represented her own interests. The respondent failed to participate in the hearing.

Findings and Reasons

The property is Flat 2/1, 52 West Princes Street, Helensburgh G84 8UG. The applicant is Mrs Charlotte Duncan who is a heritable proprietor and landlord. The joint registered heritable proprietor of the property is Mr Andrew Duncan who provides his consent to the bringing of these proceedings. The respondent is the former tenant.

The parties entered into a private residential tenancy which commenced on 24 October 2018. The rent was stipulated at £400 per month.

Throughout the duration of the tenancy the respondent has fallen into arrears of the contractual rental payments. The tenant vacated the let property on 27 October 2023.

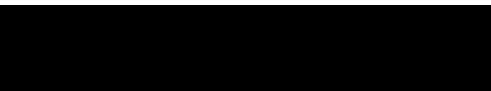
The application is supported by a detailed account statement disclosing the sums of rent and other charges which fell due and the monies received. The tribunal found this documentary evidence credible and reliable and attached weight to it.

The amount sought in this application is £3,100. No Rule 14A amendment application was made to increase the sum sought to reflect additional subsequent rent arrears.

The applicant is entitled to recover arrears of rent under and in terms of the lease. The respondent has not opposed the application and has made no time to pay application.

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.



17 January 2024

Legal Member/Chair

Date