



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

Chamber Ref: FTS/HPC/CV/23/3005

Re: Property at 199 Wester Drylaw Drive, Edinburgh, EH4 2TA (“the Property”)

Parties:

Mr Luke Barnes, South View, Ormiston Hall, Ormiston, EH35 5NJ (“the Applicant”)

Mr Arron Fair, 199 Wester Drylaw Drive, Edinburgh, EH4 2TA (“the Respondent”)

Tribunal Member:

George Clark (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application should be decided without a Hearing and made an Order for Payment by the Respondent to the Applicant of the sum of £3,300.

Background

1. By application, received by the Tribunal on 1 September 2023, the Applicant sought an Order for Payment in respect of unpaid rent that had become lawfully due by the Respondent to the Applicant. The sum sought was £3,300.
2. The application was accompanied by a copy of a Private Rented Tenancy Agreement between the Parties commencing on 14 November 2022 at a monthly rent of £1,100, and a Rent Statement showing arrears as at 30 August 2023 of £2,200. No rent had been paid since 2 June 2023. The Applicant was seeking £3,300, as the rent due on 1 September 2023 had not been paid.
3. On 14 November 2023, the Tribunal advised the Parties of the date and time of a Case Management Discussion, and the Respondent was invited to make

written representations by 5 December 2023. The Respondent did not make any written representations to the Tribunal.

Case Management Discussion

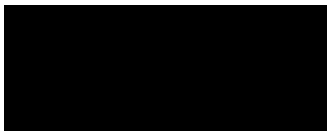
4. A Case Management Discussion was held by means of a telephone conference call on the morning of 11 January 2024. The Applicant was present. The Respondent was not present or represented.
5. The Applicant told the Tribunal that the Respondent has now vacated the Property and that the arrears are now just over £3,300.

Reasons for Decision

6. Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 provides that the Tribunal may do anything at a Case Management Discussion which it may do at a Hearing, including making a Decision. The Tribunal was satisfied that it had before it sufficient information and documentation to enable it to decide the application without a Hearing and that it appeared that the Parties had provided all the information and documentation they wished the Tribunal to consider in arriving at its Decision.
7. The Tribunal was satisfied that the sum sought in the application had become lawfully due by the Respondent to the Applicant.

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

11 January 2024
Date