



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/23/4488

Re: Property at 5 Ivy Crescent, Inverness, IV2 6DZ (“the Property”)

Parties:

Mr Christopher Smith, 3 Hayfield Avenue, Inverness, IV2 5HT (“the Applicant”)

Miss Natasha Campbell, previously residing at 5 Ivy Crescent, Inverness, IV2 6DZ and whose present whereabouts are unknown (“the Respondent”)

Tribunal Member:

Shirley Evans (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to make an order for payment against the Respondent in favour of the Applicant in the sum of ONE THOUSAND AND THIRTY-SIX POUNDS AND FORTY SIX PENCE (£1036.46) STERLING. The order for payment will be issued to the Applicant after the expiry of 30 days mentioned below in the right of appeal section unless an application for recall, review or permission to appeal is lodged with the Tribunal by the Respondent.

Background

1. This is an action for rent arrears and interest raised in terms of Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Regulations”).
2. The application was accompanied by a Private Residential Tenancy Agreement between the parties dated 28 July 2020 and a rent statement.

3. On 23 February 2024, the Tribunal accepted the application under Rule 9 of the Regulations.
4. On 2 May 2024 the Tribunal enclosed a copy of the application and invited the Respondent to make written representations to the application by 23 May 2024. The Tribunal also advised parties that a Case Management Discussion ("CMD") under Rule 17 of the Regulations would proceed on 10 June 2024. This paperwork was unable to be served on the Respondent as her whereabouts were unknown. The application was thereafter served on the Respondent by advertisement in terms of Rule 6A of the Rules. A copy of the Execution of Service was received by the Tribunal administration and placed before the Tribunal.
5. The Respondent did not lodge any written representations by 23 May 2024.

Case Management Discussion

6. The Tribunal proceeded with a CMD on 10 June 2024 by way of teleconference. Ms Smith from Tailormade Moves, letting agents appeared for the Applicant. There was no appearance by or on behalf of the Respondent despite the CMD starting 10 minutes late to allow her plenty of time to join the call. The Tribunal was satisfied the Respondent had received notice under Rule 24 of the Regulations and accordingly proceeded with the CMD in her absence.
7. The Tribunal had before it the Private Residential Tenancy Agreement between the parties dated 28 July 2020 and rent statement to 28 October 2023. The Tribunal considered these documents.
8. Ms Smith moved the Tribunal to grant a payment order for £1036.46. She advised that the last payment to account was on 1 September 2023 for £525. The Tribunal noted that in terms of Clause 8 the Respondent had agreed to pay £525 rent per month. Ms Smith advised the tenancy had ended on 17 November 2023. The Applicant had received all the deposit leaving arrears of £1036.46.

Reasons for Decision

9. The Tribunal considered the issues set out in the application together with the documents lodged in support, including the tenancy agreement and the rent statement. Further the Tribunal considered the submissions made by Ms Smith.

10. The Tribunal was satisfied that the arrears had accrued and stood at £1036.46 after the tenancy terminated and after the Applicant had recovered the tenancy deposit.

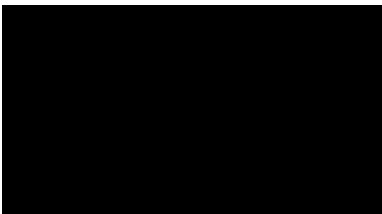
11. The Tribunal noted the terms of the tenancy agreement. The Tribunal accepted the submissions of Ms Smith as to how and when the arrears had accrued. The Respondent had not disputed the application. The Tribunal was satisfied on the basis of the documents lodged, together with Ms Smith's submissions that an order for payment in favour of the Applicant be granted.

Decision

12. The Tribunal granted an order for payment of £1036.46 in favour of 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.



10 June 2024

Legal Member

Date