



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/24/0743

Re: Property at 59 Dick Crescent, Burntisland, KY3 0BS (“the Property”)

Parties:

Mr David Fielding, 17 Broomhill Avenue, BURNTISLAND, KY3 0BW (“the Applicant”)

Mr Paul Adam, 7 Nicol Drive, Burntisland, KY3 9JB (“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 £1,826.30.

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. A Convenor of the Housing and Property Chamber (“HPC”) having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion (“CMD”).
3. Letters were issued on 17 June 2024 informing both parties that a CMD had been assigned for 26 July 2024 at 2pm, which was to take place by conference call. In that letter, the parties were also told that they were required to take part in the discussion and were informed that the Tribunal could make a decision today on the application if the Tribunal has sufficient information and considers the procedure to have been fair. The Respondent was invited to make written

representations by 8 July 2024. No written representations were received by the Tribunal.

The case management discussion – 26 July 2024

4. The CMD took place by conference call. The Applicant took part in the call and represented himself. The Respondent did not take part in the conference call and the discussion proceeded in his absence. The Tribunal explained the purpose of the CMD. The Applicant represented that he had recovered the Respondent's deposit and had applied that to the rent account. The Applicant's letting agent tried to engage the Respondent to agree a repayment plan, but the Respondent did not cooperate. The balance of the rent account is £1,826.30. The Applicant moved for an order for payment in that sum.

Findings in Fact

5. The parties entered into a private residential tenancy which commenced 24 June 2022.
6. The contractual monthly rent was £445 per month, payable in advance.
7. The Respondent owes rent arrears of £1,826.30.

Reason for Decision

8. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the CMD. There was no material before the Tribunal to indicate that the Respondent disputed rent arrears. On the basis of the rent statement, the Tribunal was satisfied that the sum of £1,826.30 was due and the Tribunal granted an order in that sum.

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

Legal Member/Chair

— 26 July 2024
Date

