



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 (1) of the Private Housing (Tenancies) (Scotland) Act 2016 (Act)

Chamber Ref: FTS/HPC/CV/24/1216

Re: Property at 19A New Street, Musselburgh, EH21 6JH (“the Property”)

Parties:

Mr Charles Bentley, 7 Duddingston Square East, Edinburgh, EH15 1RU (“the Applicant”)

Mr Daniel Hayes, 19A New Street, Musselburgh, EH21 6JH (“the Respondent”)

Tribunal Members:

Alan Strain (Legal Member) and Gordon Laurie (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment be granted in the sum of £6,800 with interest at the rate of 4% per annum.

Background

This is an application under Rule 111 of *The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (Rules)* and section 71(1) of the Act in respect of a claim for payment of alleged rent arrears.

The Tribunal had regard to the following documents:

1. Application received 13 March 2024;
2. Private Residential Tenancy Agreement (**PRTA**) commencing 27 August 2023;
3. Rent Arrears Statement as at 27 February 2024;
4. Service of Tribunal CMD Notification on the Respondent by Sheriff Officer on 28 June 2024.
5. Email application to amend sum sued for by Applicant dated 1 July 2024 along with rent statement as at 27 June 2024.

Case Management Discussion (CMD)

The case called for a CMD by conference call on 5 August 2024. The Applicant did not participate but his solicitor did. 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 they 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's solicitors confirmed that the current arrears were £7,650 but she was only seeking an order for the amended amount of £6,800 which had been notified to the Respondent.

The Tribunal granted the application to amend and increased the sum sued for to £6,800.

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

1. The Parties let the subjects under a PRTA commencing 27 August 2023;
2. The monthly rent was £850;
3. As at the date of the CMD the Respondent was in arrears of rent in the sum of £7,650.

Decision and Reasons

The Tribunal was satisfied that in the circumstances the Applicant was due the outstanding rent from the Respondent and granted the order sought in the amended amount of £6,800. The Tribunal also considered that it was reasonable to award interest at the rate of 4%.

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.

A Strain

Legal Member/Chair

Date: 05/08/2024