

Housing and Property Chamber
First-tier Tribunal for Scotland



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

Chamber Ref: FTS/HPC/CV/19/0531

Re: Property at 3/3 3 Crossflat Crescent, Paisley, PA1 1NS (“the Property”)

Parties:

Broomfield Properties Ltd, Broomfield, 202 Mansfield Road, Balerno, Edinburgh, EH14 7JX (“the Applicant”) per their agents, Jewel Homes Paisley Ltd., 21, Forbes place, Paisley, PA1 1UT

Mr Danish Sarwar, present whereabouts unknown (“the Respondent”)

Tribunal Members:

Karen Moore (Legal 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 for THREE HUNDRED AND FORTY ONE POUNDS AND SIX PENCE (£341.06) Sterling be granted.

1. By application received on 18 February 2019 (“the Application”), the Applicant’s Agents, on behalf of the Applicant, made an application to the Tribunal for a payment of rent due and owing in terms of Section 71 of the Act and in terms of Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”). A copy of the tenancy agreement between the parties and a rent statement showing arrears of rent of £826.06 were lodged as part of the Application.
2. On 1 March 2019, a legal member of the Tribunal with delegated powers of the Chamber President accepted the Application and a Case Management Discussion (“CMD”) was fixed for 10 April 2019, postponed to 29 May 2019 and postponed further to 27 June 2019 at 11.30 at the Glasgow Tribunal Centre, 20 York Street, Glasgow, G2 8GT. The CMD was intimated to both parties.

Case Management Discussion

1. The CMD took place on 27 June 2019 at 11.30 at the said Glasgow Tribunal Centre, 20 York Street, Glasgow, G2 8GT. Neither the Applicant nor the Respondent was present.
2. The Applicant was represented by Ms. Lang of the Applicant's Agents. The Respondent was unrepresented.
3. Ms. Lang confirmed the Order sought as payment of £341.06, being the sum sought in the Application under deduction of the tenancy deposit.

Findings in Fact

4. From the Application and the CMD and having no reason to disbelieve Ms. Lang, I found that a tenancy agreement had existed between the Parties at a rent of £485.00 per month and that rent amounting to £341.06 is due and owing by the Respondent in that regard.

Decision and Reasons for Decision

5. Having found that that three months' rent amounting to £341.06 is due and owing by the Respondent to the Applicant, I then had regard to Rule 17(4) of the Rules which state that the Tribunal "may do anything at a case management discussion which it may do at a hearing, including make a decision" and, accordingly, I determined to grant an Order for payment.

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.

Karen Moore

Legal Member/Chair

27 June 2019

Date