



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/20/0868

Re: Property at Flat 1, New Chance Inn Court, Inverkeilor, DD11 5AX (“the Property”)

Parties:

Second Chance Housing Associates, TMA Accounting, 52a Church Street, Broughty Ferry, Dundee (“the Applicant”)

Mr Paul Skivington, Flat 1, New Chance Inn Court, Inverkeilor, DD11 5AX (“the Respondent”)

Tribunal Members:

Lesley Ward (Legal Member)

Decision (in absence of the Respondent)

- 1. The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the respondent shall pay to the applicant the sum of one thousand nine hundred and twenty five pounds.**
2. This is a management discussion ‘CMD’ in connection with an application in terms of s71 of the Private Housing (Tenancies) (Scotland) Act 2016 ‘the Act’ and rule 111 of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, ‘the rules’ to recover rent arrears for the property.
3. The CMD proceeded by conference call due to the Covid-19 pandemic. The applicant’s representative Ms Adel Leyton Miss Ciara Young attended. The respondent did not attend and was not represented. The tribunal had sight of the sheriff officer’s execution of service depositing the CMD papers and application on 23 July 2020. The tribunal however noted that the application referred to an eviction application due to come before the tribunal on 16 March 2020. The tribunal therefore raised the respondent’s whereabouts as a preliminary matter.

Preliminary matter.

4. Ms Leyton advised that as far as she was aware, the respondent was still residing in the property despite the eviction proceedings being raised. The tribunal noted that the report from the sheriff officer gave details of a discussion they had with the respondent's neighbours which suggested he still resided in the property. The tribunal was satisfied that the respondent had received appropriate notice in terms of rule 24. The tribunal proceeded with the CMD in terms of rule 29.

5. The tribunal had before it the following copy documents:
 - (1) Application dated 10 March 2020.
 - (2) Rent statement.
 - (3) Private Residential Tenancy agreement dated 7 February 2019.
 - (4) Land certificate.

Discussion

6. Ms Leyton was seeking an order for the outstanding rent of £1925 as set out in the rent schedule and application.

7. Findings in fact

- (1) The applicant is the owner of the property.
- (2) The parties entered into a PRT on 7 February 2019 for let of the property.
- (3) The agreed rent was £385 per month.
- (4) Rent arrears began to accrue in August 2018.
- (5) As at March 2020 the arrears were £1925.
- (6) The sum of £1925 remains outstanding.

8. Reasons

This is an application to recover rent arrears arising out of a PRT. The tribunal had sufficient information to proceed in the absence of the respondent and the procedure had been fair. The tribunal granted an order for the sum of £1925.

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.

18 August 2020

Lesley A Ward Legal Member

Date