



**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/20/1183**

**Re: Property at 12/12 Hermand Crescent, Edinburgh, EH11 1LP (“the Property”)**

**Parties:**

**Mr John Lauder, 61 Baberton Way, Edinburgh, EH14 3HE (“the Applicant”)**

**Mr Alistair Scott, 12/12 Hermand Crescent, Edinburgh, EH14 3HE (“the Respondent”)**

**Tribunal Members:**

**Alan Strain (Legal Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the order for payment be granted in the sum of £2,385.00.**

**Background**

This is an application under Rule 111 and section 71(1) of the Act in respect of alleged rent arrears during the tenancy of the Property.

The Tribunal had regard to the following documents:

1. Application received 16 May 2020;
2. Private Residential Tenancy Agreement (**PRTA**) commencing 26 January 2018;
3. Demands for payment issued in respect of rent arrears;
4. Rent Statements showing payments made and amount outstanding at date of application;
5. Rent Statements showing amount outstanding at date of CMD;
6. Certificate of Service of Tribunal CMD Notification by Sheriff Officer on the Respondent dated 14 July 2020.

## **Case Management Discussion (CMD)**

The case called for a CMD by conference call on 12 August 2020. The Applicant did not participate but was represented. The Respondent did not participate and was not represented.

The Tribunal delayed the start of the CMD to see if the Respondent would participate. The Respondent 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 Representative invited the Tribunal to grant the application and the order sought.

The Tribunal then considered the documentary 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 26 January 2018;
2. The monthly rent was £795.00;
3. The Respondent was £2,385 in arrears of rent as at the date of the CMD.

The Tribunal considered that it had sufficient information to determine the matter at this stage and the procedure was fair.

The Tribunal was satisfied that the arrears had been established and accordingly granted the application for payment in the sum of £2,385.

## **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.**

Alan Strain

Me

12 August 2020

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Legal Member/Chair

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Date