



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 (Act)

Chamber Ref: FTS/HPC/CV/19/1214

Re: Property at Top Floor, 3 Kelly Street, Greenock, PA16 8NF (“the Property”)

Parties:

Inverclyde Letting Agency of behalf of, Ms Olympia Craft, West Renfrew House, 26 Brougham Street, Greenock, PA16 8AD (“the Applicant”)

Ms Jane Bowie, Top Floor, 3 Kelly Street, Greenock, PA16 8NF (“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 Respondent be ordered to pay the Applicant the sum of £5,214.92.

Background

This is an application for payment in respect of alleged rent arrears under Rule 70 of the Tribunal Rules and Section 16 of the Act.

The Tribunal had regard to the following documents:

1. Application received 17 April 2019;
2. Short Assured Tenancy Agreement (**SAT**) commencing 9 August 2013;
3. Schedule of Rent Arrears;
4. Certificate of Service of CMD Notification by Sheriff Officers dated 4 July 2019.

Case Management Discussion (CMD)

Mr Alan Strain

The case called for a CMD on 26 July 2019. The Applicant was not present but was represented. The Respondent did not appear and was not represented.

The Tribunal was satisfied that the Respondent had service of the notification of the CMD by virtue of the Sheriff Officers' certificate of service. The Respondent knew that the Tribunal could make a decision in absence if satisfied it had enough information and it was fair to do so.

The Tribunal had regard to the documents and also heard from the Applicant's representative that the Respondent had now vacated the Property.

The Tribunal made the following findings in fact:

1. The Parties entered in to an SAT commencing 9 August 2013;
2. The monthly rent was £550;
3. As at the date of vacating the Property the rent arrears were £5,214.92.

The Tribunal was satisfied that it had sufficient information upon which to make a decision and that it was fair to do so. The Rent Arrears were due in the sum of £5,214.92.

The Tribunal granted an order for payment in that amount (£5,214.92).

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.

Mr Alan Strain

Legal Member/Chair

26 July 2019
Date