



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/18/1248

Re: Property at 4/4 West Pilton Rise, Edinburgh, EH4 4DY (“the Property”)

Parties:

Mr Michael Munro, 3/6 West Pilton Lea, Edinburgh, EH4 4CS (“the Applicant”)

Ms Tammy Stacey Nisbet, 4/4 West Pilton Rise, Edinburgh, EH4 4DY (“the Respondent”)

Tribunal Members:

Lesley Ward (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the respondent shall make payment to the applicant the sum of two thousand eight hundred and eight pounds and 85 pence.

This is a case management discussion in connection with an application in terms of Rule 70 of the First-tier Tribunal Scotland Housing and Property Chamber (Procedure) Regulations 2017, “the Rules” and s16 of the Housing (Scotland) Act 2014 in respect of rent arrears for the property at 4/4 West Pilton Rise, Edinburgh, EH4 5DY.

The application was made to the Tribunal on 21 May 2018 by Mr David Alexander of Gilson Gray Solicitors on behalf of the Landlord Mr Michael Munro. The tenant Ms Tammy Stacey Nisbet received intimation of today’s case management discussion on 12 July 2018 by sheriff officer and the tribunal had sight of the execution of service. Ms Nisbet did not attend today’s hearing and was not represented. Mr Scott Runciman solicitor attended on behalf of the applicant.

There were no preliminary matters.

The tribunal had before it the following copy documents:

Lesley Ward

1. Application dated 18 May 2018 and received by the Tribunal on 21 May 2018.
2. Tenancy agreement dated 27 July 2018.
3. Rent statement for period 3 June 2017 until 3 May 2018.

The tribunal is satisfied that the respondent has received appropriate notice of the case management discussion in terms of Rule 24. The tribunal therefore proceeded with the case management discussion and heard submissions from Mr Runciman regarding the tenancy arrears and how they are calculated.

Mr Runciman confirmed that arrears have accrued since July 2017 and since then the difference between the rent due and the rent paid is £2808.85, the amount in the application and in the rent statement.

The tribunal is satisfied that it has sufficient information available to it today to make a decision. In the absence of any evidence to the contrary and on the basis of the written evidence ledged the tribunal is satisfied that the amount of £2808.85 is due by the respondent to the applicant. The tribunal makes a finding in fact to this effect.

The tribunal was not minded to award interest or to make a finding of expense. This is the first calling of a case management discussion and the application is undefended at this stage. Considering the terms of Rule 40 the tribunal is not satisfied that the respondent has put the applicant to unnecessary or unreasonable expense in the conduct of the case.

The tribunal made its finding on the basis of the written evidence and in the absence of the respondent. The tribunal is satisfied that the procedure has been fair.

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.

Lelsey Ward

Legal Member/Chair

Date

Lesley A Ward

09/08/2018