

**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 71 of the Private Housing (Tenancies) Act 2016**

**Chamber Ref: FTS/HPC/CV/19/1433**

**Parties:**

**Stobmuir Enterprises Ltd, 15 Albert Street, Dundee, DD4 8NS (“the Applicant”) per Mr Alec Campbell, Campbell Boath, Solicitors, 1 Stirling Street, Dundee DD3 6PJ**

**Ms Margaret Rafferty, 2/R 109 Clepington Road, Dundee, DD3 7NU (“the Respondent”)**

**Tribunal Members:**

**David Preston (Legal Member)**

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

**Tribunal Member:**

**David Preston (Legal Member) (“the tribunal”)**

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

**The tribunal determined that the respondent pay to the applicants the sum of £6008 being arrears of rent under the Tenancy Agreement between the parties.**

**Background:**

1. By application dated 9 May 2019 the applicant applied for an order for payment in respect of arrears of rent.
2. The papers before the tribunal comprised: Tenancy Agreement dated 21 July 2008; and a rent statement covering the period 1 June 2017 to 4 April 2019 showing arrears of rent to that date of £3800; letter dated 1 August 2019 with updated rent statement to show arrears as at that date of £6008; Sheriff Officer’s Report dated 5 September 2019 and Certificate of Service dated 24 September 2019 confirming service of a full set of papers on the respondent including the letter dated 1 August 2019.

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### **Case Management Discussion**

3. Mr Campbell attended on behalf of the applicants. The respondent neither appeared nor was represented.
4. Notice of the CMD had been served on the respondent together with a full set of papers relating to the application including the letter dated 1 August 2019 and the updated rent statement. The tribunal was satisfied that due notice had been given to the respondent to which she had failed to respond.
5. The tribunal was advised that the respondent had removed from the property on or about 25 July 2019.

### **Reasons for Decision:**

6. Rule 17 of the Regulations states that the tribunal may do anything at a CMD which it may do at a hearing, including making a decision. The tribunal decided that, on the basis of the information presented to it, it was able to determine the application at the CMD.
7. The tribunal accepted the information in the file and as provided by Mr Campbell and determined to issue the 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.**

**David Preston**

**10 October 2019**

**Legal Member/Chair**

**Date**