

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 16 of the Housing (Scotland)
Act 2014**

Chamber Ref: FTS/HPC/CV/18/1439

**Re: Property at Flat 2/1 7 West Princess Street, Rothesay, Isle of Bute, PA20
9AF ("the Property")**

Parties:

**Roxburn Properties Limited, Paunceford Court Farmhouse, Much Cowarne,
Bromyard, Herefordshire, HR7 4JQ ("the Applicant")**

**Mr John Junor, C/O 21 Bush Road, Rothesay, Isle of Bute, PA20 9HS ("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 £2,390 in respect of rent arrears.**

Background

This is an application in respect of civil proceedings under Rule 70 of the Tribunal procedure Rules seeking payment in respect of rental arrears, breakages, damages and repairs to the Property in terms of section 16 of the Housing (Scotland) Act 2014.

The application was lodged along with the following documents:

- (i) Tenancy Agreement dated 17 July 2017;
- (ii) Bank Statements; and
- (iii) Statement detailing rental payments and arrears as at 17 May 2018.

Alan Strain

On 29 August 2018 the Tribunal received an up to date schedule of loss together with accompanying photographs of the Property. The schedule of loss sought a further payment of rental arrears to the end of the tenancy of £394.68, repairs and breakages of £1176.88. The repairs and breakages were not accompanied by receipts.

Case Management Discussion (CMD)

The case called for a CMD by conference call on 30 August 2018. Both parties had been notified by letter from the Tribunal dated 30 July 2018 of the CMD, the requirement to dial in and the fact that the Tribunal could decide the matter in absence of the parties if satisfied that it had sufficient information and it was fair to do so.

In advance of the CMD the Tribunal Clerk contacted both parties to check if they were participating in the CMD. The Respondent advised the Clerk that he had not received any paperwork. The Clerk provided him with details of the CMD, its time and how to dial in.

The CMD commenced and the Respondent did not dial in. The Tribunal had regard to the Sheriff Officer's Certificate of Service of the Tribunal letter of 30 July with the application and accompanying documents on the Respondent. The Tribunal were satisfied that the Respondent had been served with the letter and documents. The Respondent had appropriate notice of the CMD and the requirement for him to participate. He also had notice of the ability of the Tribunal to make a Decision at the CMD.

The Applicant's representatives Ms Amanda Burn and Stephanie Roxburgh participated in the CMD.

Decision and Reasons

The Tribunal were satisfied that the Respondent had been tenant of the Property in terms of the Tenancy Agreement from 17 July 2017 until its termination on 17 July 2018.

The Tribunal were satisfied that the rental arrears as at 17 May 2018 were established to be £2390.00 on the basis of the statement produced and uncontested.

The Tribunal could not grant an order at this stage in respect of the additional rental arrears or the repairs and breakages as these had not been served on the Respondent and he did not have appropriate notice of them.

The Tribunal accordingly grants an order for payment in the sum of £2390.00 in respect of the rental arrears as at 17 May 2018. The Tribunal makes no order at this stage in respect of the additional sums sought and adjourns the CMD to a date to be notified.

Right of Appeal

Alan Strain

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

Legal Member/Chair

Date

30 August 2010