



**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/19/1514

**Re: Property at 41 Williamsons Quay, Harbour Village, Kirkcaldy, Fife, KY1 1JS
("the Property")**

Parties:

**Mr Ronald Trail, Mrs Gillian Trail, 30 Hawthorn, Mount Edgecombe Estate 2,
Quail Valley, Durban, South Africa ("the Applicant")**

**Miss Holly Stafford, 41 Williamsons Quay, Harbour Village, Kirkcaldy, Fife, KY1
1JS ("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 in the sum of £2,200 be
granted.**

Background

This is an application under section 71(1) of the Act and Rule 111 of the Tribunal
Procedure Rules for payment in respect of rent arrears.

The Tribunal had regard to the following:

1. Application received 16 May 2019;
2. Private Residential Tenancy Agreement (**PRTA**) commencing 3 December
2018;
3. Schedule of rent arrears as at 3 May 2019;
4. Certificate of Service of CMD Notification dated 2 July 2019.

Case Management Discussion (CMD)

The case called for a CMD on 6 August 2019. The Applicant was not present but was represented. The Respondent was not present and was not represented.

The Tribunal was satisfied that the Respondent had notification of the CMD by virtue of the Sheriff Officer's Certificate of Service. The Respondent was aware that the CMD would proceed in her absence and that the Tribunal could make a decision if it was satisfied that it had sufficient information to do so and the procedure was fair.

The Tribunal considered the documentation before it and made the following findings in fact:

1. The Parties entered in to the PRTA in respect of the Property commencing 3 December 2018;
2. The monthly rent was £550;
3. As at the date of submitting the application to the Tribunal the Respondent was in arrears in the sum of £2,200 which was 4 months in arrears;
4. As at the date of the CMD the Respondent was £3,700 in arrears

The Tribunal considered the terms of section 71(1) of the Act and Rule 111 of the Procedure Rules. The Respondent was notified that the Applicant was seeking the sum of £2,200 in respect of rent arrears at the time the notification of the CMD was served upon her.

The Tribunal was satisfied that it had sufficient information to determine the matter and that the procedure was fair. The Tribunal granted the order for payment sought.

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.

AS

Legal Member/Chair

6 August 2019

Date