



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/19/1610

Re: Property at 5A Friars Croft, Dunbar, EH42 1BP (“the Property”)

Parties:

Mr Colin Tucker, 36 Moray Avenue, Dunbar, EH41 1QG (“the Applicant”)

Miss Louise Hanscombe, 5A Friars Croft, Dunbar, EH42 1BP (“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 an order for payment be granted in the amount of £1,250.00.

Background

This is an application for payment in respect of rent arrears due in terms of a Short Assured Tenancy (**SAT**) under section 16 of the Act and Rule 70 of the *First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (Regulations)*.

The Tribunal had regard to the following documents:

1. Application received 28 May 2019;
2. Schedule of Rental Payments as at 31 April 2019; and
3. Email from Respondent dated 26 August 2019 confirming receipt of CMD Notification.

Case Management Discussion (CMD)

The case called for a CMD on 4 September 2019. The Applicant did not appear but was represented by Ms Hill, Solicitor. The Respondent did not appear and was not represented. The Tribunal delayed the commencement of proceedings to see if the Respondent would appear but she did not.

The Tribunal were satisfied that the Respondent had notification of the CMD and the fact that the Tribunal could proceed in her absence and determine the matter if it had sufficient information to do so and the procedure was fair. The Respondent had emailed the Tribunal Administration on 26 August 2019 and confirmed her knowledge of the notification.

The Tribunal accordingly decided to proceed with the CMD.

Ms Hill invited the Tribunal to grant the order sought.

The Tribunal considered the documentary evidence and made the following findings in fact:

1. The Parties entered in to an SAT commencing 25 October 2017;
2. The monthly rent was £625;
3. As at 31 April 2019 the amount of rental arrears was £1,250.00;
4. The SAT provided for interest on late payment of rent at eight percent per annum.

The Tribunal then considered section 16 of the Act. The rental arrears had been established.

The Tribunal were satisfied that it had sufficient information to determine the matter at the CMD and the procedure had been fair.

The Tribunal granted the order for payment in the sum of £1,250.00.

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.

Alan Strain

Legal Member/Chair

4 September 2019

Date