



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/19/1844

Re: Property at Flat 2/2, 15 James Watt Way, Greenock, PA15 2AD (“the Property”)

Parties:

Mr Tom Martin, 10 Argyll View, Skelmorlie, PA17 5DB (“the Applicant”)

Mr Scott Ellis, Flat 2/2, 15 James Watt Way, Greenock, PA15 2AD (“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 £1,800.00.

Background

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

The Tribunal had regard to the following documents:

1. Application received 14 June 2019;
2. Private Residential Tenancy Agreement (PRTA) commencing 5 July 2018;
3. Schedule of Rent Arrears.

Case Management Discussion (CMD)

The case called for a CMD on 13 September 2019. The Applicant was not present but was represented by Mr Gisbey. The Respondent did not appear and was not represented.

The Tribunal were satisfied that the Respondent had notification of the CMD and that the Tribunal could determine the matter in his absence if satisfied that it had sufficient information to do so and the procedure had been fair. Sheriff Officer's had served the notification on the Respondent on 13 August 2019.

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

1. The Parties entered into the PRT commencing 5 July 2018;
2. The monthly rent was £625;
3. The Respondent had been in arrears since October 2018;
4. As at the date of the service of the Notice to Leave the Respondent had been in arrears in excess of 3 months;
5. As at the date of the CMD the Respondent was in arrears in the sum of £1,800.

The Tribunal considered section 71(1) and were satisfied that the arrears of rent were due. The Tribunal accordingly granted the order 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.

A. Strain

Legal Member/Chair

Date

13 September 2019