



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016.

Chamber Ref: FTS/HPC/EV/20/1999

Re: Property at Top Flat, 34 Crossgate, Cupar, Fife, KY15 5HH (“the Property”)

Parties:

Mr Roy Methven Dawson, residing at Muirhead of Pitcullo, Dairsie, Cupar, KY15 4SF (“the applicant”)

Mr Anthony Jellie, Top Flat, 34 Crossgate, Cupar, Fife, KY15 5HH (“the respondent”)

Tribunal Members:

David Preston (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the applicant was entitled to an order for payment by the respondent in the sum of THREE THOUSAND FOUR HUNDRED AND SIXTY THREE POUNDS AND 02 PENCE (£3463.02).

Background:

1. By application dated 17 September 2020 the applicant applied for an order for payment of the sum of £3463.02 by way of arrears of rent accrued until 1 September 2020.
2. The papers before the tribunal comprised:
 - a. Paper Apart accompanying the application;
 - b. Tenancy Agreement dated 7 October 2018;
 - c. rent schedule covering the period 1 November 2018 to 1 September 2020 showing arrears of rent to that date of £3463.02;

3. By Decision dated 5 October 2020, a Convener of HPC having delegated power for the purpose, referred the application under rule 9 of the Rules to the tribunal. A letter of Intimation dated 15 October 2020, with Notice of the Case Management Discussion to be held by telephone on 18 November 2020 at 14:00 together with the case papers was served on the tenant by Sheriff Officers on 19 October 2020. The tribunal was provided with a copy of the Sheriff Officer's Certificate of Citation of that date.

Case Management Discussion

4. Ms Debbie Brogan, Solicitor appeared along with Mr David Anderson, Advocate attended on behalf of the applicant. The respondent neither appeared nor was represented.
5. Notice of the CMD had been duly served on the respondent together with a full set of papers relating to the application. The tribunal was satisfied that due notice had been given to the respondent to which he had failed to respond and was happy to proceed with the CMD in his absence.
6. Mr Anderson asked the tribunal to grant an order for payment in terms of the application.

Reasons for Decision:

7. 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.
8. I was satisfied that the rent schedule demonstrated that arrears of rent amounting to the sum sought had accrued up to 1 September 2020.

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.

D. P