



**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/20/2071

Re: Property at 18A Brander Street, Burghead, IV30 5XD (“the Property”)

Parties:

**Mr James Angus Grant, Fernie House, Wester Buthill, Roseisle, Elgin, IV30 5YQ
 (“the Applicant”)**

**Mr Stephen Fellows, 18A Brander Street, Burghead, IV30 5XD (“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 should be granted in the sum
 of £5,762.70.**

Background

This is an application under Rule 70 and section 16 of the Act in respect of alleged
 rent arrears due by the Respondent.

The Tribunal had regard to the following documents:

1. Application received 13 January 2020;
2. SAT commencing 1 February 2016;
3. Schedule of Rent Arrears;
4. Sheriff Officer Certificate of Service of Tribunal CMD Notification on
 Respondent dated 24 November 2020.

Case Management Discussion (CMD)

The case called for a CMD by conference call on 7 January 2021. The Applicants were represented by their letting agent. The Respondent did not participate and was not represented.

The Tribunal delayed the start of the CMD to see if the Respondent would participate. The Respondent did not.

The Tribunal were satisfied that the Respondent had received notification of the Case Management Discussion and that the Tribunal could determine the matter if it considered it had sufficient information to do so and the procedure was fair. The notification also advised the Respondent that he should attend and the Tribunal could determine the matter in absence if he did not.

The Applicants' agent advised that the arrears as at the date of the CMD were £5,762.70. The application had not been amended so the Respondent had only received notification of the amount due at the date of lodging the application - £5,807.06. The Applicant's agent requested the Tribunal to grant an order in the lesser amount on the basis that there was no prejudice to the Respondent in granting an order for a lesser amount than had been served on him.

The Tribunal then considered the documentary evidence it had received from the Applicants and in so far as material made the following findings in fact:

1. The Parties let the subjects under an SAT commencing 1 February 2016;
2. The monthly rent was £370;
3. As at the date of lodging the application the rent was in arrears in the sum of £5,807.06;
4. As at the date of the CMD the amount of rent in arrears was £5,762.70.

The Tribunal considered that it had sufficient information upon which to make a Decision and that the procedure was fair. The Tribunal was satisfied that the rent arrears had been established and accordingly granted the application for an order for payment in the sum of £5,762.70.

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

8 January 2021

Legal Member/Chair

Date