

Housing and Property Chamber
First-tier Tribunal for Scotland



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the Housing (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/18/2173

Re: Property at 23B Chapel Street, Innerleithen, EH44 6HN (“the Property”)

Parties:

Mr James Hopkins, 39 St Ronans Terrace, Innerleithen, EH44 6RB (“the Applicant”)

Mr John Henderson, 23 Caddon Court, Innerleithen, Scottish Borders, EH44 6LW (“the Respondent”)

Tribunal Members:

Mark Thorley (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Respondent pay to the Applicant the sum of £1070.00 (One thousand and seventy pounds)

By application dated 20 August 2018 the applicant applied to the First-tier Tribunal under Rule 70. The application was accompanied by a copy of the Tenancy Agreement dated 22 June 2011, a copy of the outstanding rent due, copy email correspondence dated on various dates in August 2018, a copy Notice to Quit and copy letter dated 31 January 2018.

An initial case management discussion was set down for 19 November 2018. The applicant confirmed that he was unable to attend the tribunal. That application was granted and a subsequent case management discussion fixed for 4 January 2018.

M Thorley

On 3 January 2018 email correspondence was received from the respondent indicating initially that he was unable to attend at the case management discussion due to financial issues resulting in him not having the available funds to pay for public transport to Edinburgh and in addition having been unable to obtain legal advice/representation. The respondent requested a postponement of the proceedings until such time as he had travel funds and sought legal advice without any date being put on this. In addition he indicated that he was unable to work due to a difficulty with his neck and back. This email request was received on 3 January prior to the hearing on 4 January and was refused.

Case Management Discussion

The Applicant attended. There was no appearance by or on behalf of the respondent. Papers had been served on the respondent by Sheriff Officer on 29 November 2018. The applicant had submitted by way of email a revised rent statement indicating that the £700 deposit for the property had been allocated towards outstanding rental payments and accordingly the sum due in arrears now was £1,070.

No written representations had been received by the respondent.

The tribunal accepted the evidence of the outstanding rent arrears.

Findings in Fact

1. The tenancy between the parties was constituted by Tenancy Agreement dated 22 June 2011.
2. Rent arrears amounting to £1,070 remained outstanding.
3. The respondent received all relevant paperwork which was in order.

M Thorley

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.

M Thorley

Legal Member/Chair

4 January 2019

Date