



**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/19/2666

Re: Property at 30 (1f1) Albion Road, Edinburgh, EH7 5QW (“the Property”)

Parties:

Mrs Maria Khan, 45 Wakefield Avenue, Edinburgh, EH7 6TN (“the Applicant”)

Mr Massimiliano Barone, 30 (1f1) Albion Road, Edinburgh, EH7 5QW (“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 sum of £6,650 to the Applicant.

Background

This is an application for payment in respect of rent arrears under section 16 of the Act and Rule 70 of the Tribunal Procedure Rules.

The Tribunal had regard to the following documents:

1. Application received 26 August 2019;
2. Tenancy Agreement (TA) commencing 1 August 2017;
3. Schedule of Rent Arrears as at 20 September 2019;
4. Sheriff Officer Certificate of Service of CMD Notification dated 23 October 2019.

Case Management Discussion (CMD)

The case called for a CMD on 22 November 2019. The Applicant was not present but was represented. The Respondent did not appear and was not represented.

The Tribunal was satisfied that the Respondent had notification of the CMD from the Sheriff Officer's Certificate of Service. The Respondent was aware that the Tribunal could proceed in his absence and, if satisfied that it had sufficient information to do so and the procedure was fair, the Tribunal could determine the matter.

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

1. The Parties entered in to a TA in respect of the Property commencing 1 August 2019;
2. The monthly rent was £550;
3. The Respondent was in arrears of rent in the sum of £6,650 as at 20 September 2019;
4. The Applicant was entitled to charge interest on rent arrears at 5% above base rate in terms of clause 5 of the TA.

The Tribunal was satisfied that it had sufficient information to determine the matter and the procedure was fair.

The Tribunal granted the order for payment sought and applied interest at the contractual rate.

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

22 November 2019

Legal Member/Chair

Date