



**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**

Chamber Ref: FTS/HPC/CV/18/2750

Re: Property at 83 Backbrae Street, Kilsyth, G65 0EG (“the Property”)

Parties:

Mr Nigel Scott-Smith, 10 Masonfeild Avenue, Cumbernauld, G68 9DW (“the Applicant”)

Mr Scott Fisher, 526 Millcroft Rd, Cumbernauld, G67 2QP (“the Respondent”)

Tribunal Members:

Patricia Pryce (Legal Member)

Decision in absence of the Respondent

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Respondent shall make payment to the Applicant in the sum of THREE THOUSAND AND NINETY ONE POUNDS (£3,091) STERLING.

- **Background**

The Applicant sought repayment of the sum of £3,091 in respect of rent arrears for the former tenancy of the property.

- **The Case Management Discussion (CMD)**

The Applicant attended at the CMD. The Respondent did not attend nor was he represented.

The Tribunal noted that the Respondent had been notified of the date of the CMD by sheriff officers and it was therefore content to continue with the CMD in terms of Rule 29 of its Rules of Procedure in the absence of the Respondent.

The Applicant submitted that the rent for the property had been £415 per calendar months. There was a full rent statement produced as part of the application. The Respondent had not paid any rent since June 2018. The Respondent had vacated the property on 27 November 2018. The amount of £3,091 remains outstanding in respect of outstanding rent for the property.

- Findings in Fact

1. The tenancy between the parties commenced on 14 June 2017.
2. The Respondent left the property on 27 November 2018.
3. The last payment of rent the Applicant received in respect of the tenancy was in June 2018 which was a payment of £957 from North Lanarkshire Council in respect of housing benefit.
4. At the end of the tenancy, the Respondent owed the Applicant £3,091 by way of rent arrears.

- Reasons for Decision

The Tribunal proceeded in the absence of the Respondent, having satisfied itself that the Respondent had been notified of the CMD. The Respondent had not made any representations to the Tribunal. The Tribunal was satisfied on the evidence before it that the Respondent owed the Applicant the sum of £3,091 in respect of rent arrears for his former tenancy of the property.

- Decision

The Tribunal determined to grant an order for payment in the sum of £3,091 in respect of the outstanding rent arrears which the Respondent owed to the Applicant for the former tenancy of the property.

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.

Patricia Anne Pryce

Legal Member/Chair

2 April 2019

Date