

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71(1) of the Private Housing (Tenancies) (Scotland) Act 2016 and Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.**

**Chamber Ref: FTS/HPC/CV/19/3022**

**Re: Property at Room 2, 20 Scotts Street, Annan, DG12 6JG (“the Property”)**

**Parties:**

**M Taylor, 9 Annerley Road, Annan, Dumfriesshire, DG12 6HE (“the Applicant”)**

**Mr Steven Hoffman, Room 2, 20 Scots Street, Annan, Dumfriesshire, DG12 6JG (“the Respondent”)**

**Tribunal Members:**

**Martin McAllister (Legal Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determines that an order be made against the Respondent for payment of the sum of One Thousand two hundred and thirty five pounds (£1,235.00) to the Applicant:**

**Background**

This is an application by the Applicant seeking payment from the Respondent of the sum of £1,235 in respect of arrears of rent for the Property. The application is dated 24<sup>th</sup> September 2019. The date of the case management discussion and relevant documents were served on the Respondent by Sheriff Officer on 25<sup>th</sup> October 2019. The certificate of service was before the Tribunal

**Case Management Discussion**

The Applicant was present and there was no appearance by the Respondent. Mr Taylor produced an up to date rent statement which showed the level of arrears to be £1820 and he said that, although the Respondent would have knowledge of the current level of rent arrears because he is sent regular rent statements, he would be

restricting his claim to £1235. Mr Taylor said that he had received no payment of rent since 12<sup>th</sup> July 2019.

The purpose of case management discussion was explained to the Applicant who said that he saw no reason for a Hearing to be held to determine the application and he invited the Tribunal to grant the order for payment. He said that he considered the Tribunal to have enough information to make a decision on the matter.

### **Findings in Fact**

1. The Respondent and Applicant are parties to a private residential tenancy for the Property in terms of the 2016 Act.
2. The weekly rent for the Property is £65.
3. As at 20<sup>th</sup> September 2019 the level of arrears of rent was £1,235.

### **Reasons**

1. The private residential tenancy agreement dated 23<sup>rd</sup> March 2019 and which showed a weekly rent of £65 was before the Tribunal.
2. A rent statement showing arrears of rent of £1,235 had been lodged with the application.
3. An updated rent statement showing the current level of rent arrears to be £1,820 had been produced by the Applicant.
4. The Tribunal accepted the Applicant's evidence that the sum of at least £1,235 was due to him by the Respondent.
5. I saw no reason to adjourn consideration of the matter to a Hearing and determined to make the order sought.

### **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.**

Martin McAllister

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**Martin J. McAllister**  
**Legal Member/Chair**

**27<sup>th</sup> November 2019**