



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/18/3136

Re: Property at 2B Hill Street, Dundee, DD3 6RR (“the Property”)

Parties:

Lexy Group, Lexy Group, 29A North William Street, Dundee, DD3 7DB (“the Applicant”)

Miss Nicole Collins, 2B Hill Street, Dundee, DD3 6RR (“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 pay the sum of £1,595.50 to the Applicant.

Background

This is an application under Section 16 of the Act for payment in respect of rent arrears.

The Tribunal had regard to the following documents:

1. Application dated 20 November 2018;
2. Tenancy Agreement dated 20 July 2018;
3. Rent Statement up to 23 November 2018.

Case Management Discussion (CMD)

The case called for a CMD on 14 January 2019. The Applicant was not present but was represented by Mr Campbell, Solicitor. The Respondent was not present or represented.

A Strain

The Tribunal were satisfied that the Respondent had notification of the CMD by virtue of Sheriff Officers certificate of service dated 20 December 2018. The notification also advised the Respondent that the Tribunal could make a decision in her absence at the CMD if it were satisfied on the evidence before it and that it was fair to do so.

So far as material the Tribunal made the following findings in fact:

1. The Parties had entered in to a Tenancy Agreement dated 20 July 2018;
2. The monthly rent was £366.90;
3. Arrears as at 23 November 2018 were £1,595.50

The Tribunal considered that it had sufficient evidence to enable a decision to be made and that it was fair to do so. The tribunal determined that the order for payment in respect of the rent arrears as at 23 November 2018 should be granted.

The tribunal were satisfied that granting the order was in accordance with the overriding objective and the interests of justice.

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.

A Strain

Legal Member/Chair

Date

24 July 2019.