

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 71(1) of the Private Housing (Tenancies) (Scotland) Act 2016 (Act)

Chamber Ref: FTS/HPC/CV/19/3814

Re: Property at 25 Auchenkist Place, Kilwinning, KA13 7PS (“the Property”)

Parties:

Mr Inderjit Binning, Mrs Harvinder Kaur Binning, c/o 12 Parkhouse Street, Ayr, KA7 2HH (“the Applicant”)

Mr David McCandless, ADDRESS UNKNOWN, ADDRESS UNKNOWN (“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 £1,531.50 to the Applicant.

Background

This is an application for payment under section 71(1) of the Act and Rule 111 of the Tribunal Procedure Rules. The applicant seeks payment of rent arrears.

The Tribunal had regard to the following documents:

1. Application received 27 November 2019;
2. Private Residential Tenancy Agreement (**PRTA**) commencing 29 March 2019;
3. Schedule of Rent Arrears as at date of the CMD;
4. Certificate of service by advertisement of CMD Notification.

Case Management Discussion (CMD)

The case called for a CMD on 18 March 2020. The Applicant was not present but was represented by Mr Williamson of Key-Lets. The respondent did not appear and was not represented.

The Tribunal was satisfied that the Respondent had notification of the CMD by virtue of the certificate of service by advertisement. The Tribunal was satisfied that the Respondent was aware the Tribunal could proceed in his absence and make a Decision if it had sufficient information to do so and the procedure was fair.

The Applicant's representative produced an up dated Schedule of Arrears and invited the tribunal to grant an order in that amount.

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

1. The Parties entered in to a PRTA commencing 29 March 2019;
2. The monthly rent was £400;
3. As at the end of the PRTA the arrears of rent were £1,531.50.

The Tribunal was satisfied that it had sufficient information to determine the matter and granted the order for payment in the sum of £1,531.50 as 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.

Mr Alan Strain

18 March 2020

Legal Member/Chair

Date