

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 16 of the Housing (Scotland) Act 2014 (Act)

Chamber Ref: FTS/HPC/CV/18/2783

Re: Property at 1 Buchanan Crescent, Livingston, EH54 7EE (“the Property”)

Parties:

Mr Mohammad Adeel Arshad, 6 Hamilton Way, East Whitburn, Bathgate, EH47 8RA (“the Applicant”)

Mr Allan Troup, 1 Buchanan Crescent, Livingston, EH54 7EE (“the Respondent”)

Tribunal Members:

Alan Strain (Legal Member) and Ann Moore (Ordinary 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 £9,000 to the Applicant.

Background

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

The following documents were considered by the Tribunal:

1. Application received 10 October 2018;
2. Tenancy Agreement dated 28 January 2013;
3. Schedule of Rent Arrears at 1 October 2018;
4. Updated Schedule of Rent Arrears dated 8 February 2019 with application to amend;
5. Certificate of Service by Sheriff Officers of notification of Hearing;
6. Letter from Tribunal service to Respondent enclosing 4 above dated 8 February 2019.

Hearing

The case called for a Hearing on 15 February 2019. The Applicant was present and represented by Mr Gardiner, Solicitor. The Respondent did not appear and was not represented.

The Tribunal were satisfied that service of notification of the Hearing had been made by Sheriff Officer on the Respondent. The Tribunal were also satisfied that the application to amend, submissions and updated arrears had been made on the Respondent by letter of 8 February 2019 from the Tribunal.

The Tribunal decided that it was fair and reasonable to proceed in the circumstances.

The Tribunal then heard evidence from the Applicant and in so far as material made the following findings in fact:

1. The Parties let the subjects under an assured tenancy commencing 28 November 2013;
2. The Monthly rent was £750;
3. As at the date of the Hearing the rental arrears were £9,000.

The Tribunal granted the Applicant's motion to amend the amount of rent arrears to £9,000.

The Tribunal then determined that the order for payment in this amount should be granted.

In granting the order the Tribunal were satisfied that the decision was in accordance with the overriding objective. The decision of the Tribunal was unanimous.

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

15/2/19.
Date