



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/20/0413

Re: Property at Whitfield Lodge, West Linton, EH46 7AX (“the Property”)

Parties:

Mrs Eleanor Weir, 6 West Lynn Grove, West Linton, EH46 7HS (“the Applicant”)

Mr Martin Morris, Whitfield Lodge, West Linton, EH46 7AX (“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 order for payment in the sum of £7,260 be granted.

Background

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

The Tribunal had regard to the following documents:

1. Application dated 6 February 2020;
2. Schedule of Rent Arrears as at 12 March 2020;
3. Updated Rent Arrears as at 13 March 2020;
4. Sheriff Officer Certificate of Service of Tribunal CMD Notification dated 19 February 2020.

Case Management Discussion (CMD)

The Applicant did not appear but was represented by Ms Mallen. The Respondent did not appear and was not represented.

The Tribunal was satisfied that the Respondent had received notification of the CMD by virtue of the Sheriff Officer's Certificate of Service. The Respondent was accordingly aware that the Tribunal could proceed in his absence and could make a decision if satisfied that it had sufficient information to do so and the procedure was fair.

The Tribunal then heard from the Applicant's representative who invited the Tribunal to determine the matter on the papers.

The Tribunal considered the terms of section 71(1) of the Act. The current arrears were £7,260.00 and this had been intimated to the Respondent by email of 13 March 2020. The Tribunal amended the sum sued for to that amount.

The Tribunal considered it had sufficient information upon which to make the following findings in fact:

1. The Parties entered in to the PRTA commencing 12 June 2018;
2. The Monthly rent was £1,260;
3. As at the date of the CMD the Respondent was in arrears in the sum of £7,260.

The Tribunal considered that it had sufficient information upon which to make a decision and that the procedure was fair. The Tribunal determined that the requirements of section 71(1) were satisfied, the procedure was fair and that it was reasonable to grant the order sought.

The Tribunal accordingly granted the order for payment 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

Legal Member/Chair

17/03/2020

Date