



**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**

Chamber Ref: FTS/HPC/CV/18/2495

Re: Property at Flat A, 3 South Harbour Street, Ayr, KA7 1HZ (“the Property”)

Parties:

**Mrs Erica Sosna, 8 Stangrave Hall, Bletchingley Road, Godstone, RH9 8NB
 (“the Applicant”)**

**Ms Hughena Judith Dunlop, 19 Charlotte Street, Ayr, KA71 1EA (“the
Respondent”)**

Tribunal Members:

Jim Bauld (Legal Member)

Decision (in absence of the parties)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that the Applicant is entitled to an order for payment in
the sum of nine hundred and fifty pounds (£950.00)**

- By an application received 31 August 2018, the applicant sought an order for payment of rent arrears from the respondent in respect of her tenancy of the property
- After sundry procedure, a case management discussion was set to take place on 21 February 2019 at 10.00 am in Russell House, Ayr. Both parties had been properly notified of the date and time of the case management discussion Notification to the respondent had been effected by service of papers by sheriff officers on 31 January 2019
- The applicant advised the tribunal that she was unable to attend the case management discussion but had emailed the tribunal in advance indicating she wished to seek the order for payment. The applicant had also previously requested to take part in the case management discussion by telephone but the tribunal was unable to arrange such facilities at the hearing venue.

The respondent did not attend. The tribunal was content that intimation of the date and time of the case management discussion had been provided to the respondent.

The applicant had advised the tribunal that the tenancy had now ended.

- The applicant advised the tribunal that the final outstanding arrears owed by the respondents at the conclusion of the tenancy were £950.00.
- In the absence of any contrary evidence, the tribunal was content to accept the applicant's evidence regarding the amount of rent arrears outstanding
- The tribunal was content to utilise the power contained in rule 17(5) of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 which allows a tribunal to make a final decision on an application at a Case Management Discussion
- The tribunal determined that the applicant was entitled to an order for payment of the outstanding rent arrears. The tribunal accepted as a matter of fact and law that the respondent had been tenant of the applicant at the property, that she was legally liable to pay rent as it fell due, that she had failed to pay all rent due, that arrears had accrued to the extent claimed by the applicant and that the respondent was liable for the final arrears claimed by the applicant

The tribunal accordingly determined that an order should be made for payment by the respondents to the applicant of the sum of £950.00 (nine hundred and fifty pounds)

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.

Jim Bauld

Legal Member/Chair

21 February 2019

Date