



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

Chamber Ref: FTS/HPC/CV/19/1337

Re: Property at 2/1 220 High Street, Perth, PH1 5PA (“the Property”)

Parties:

Panther Trading Limited, Unicorn House, Station Close, Potters Bar, EN6 1TL (“the Applicant”)

Mr Jack Bothman, formerly residing at Flat 2/1, 220 High Street, Perth PH1 5PA and whose current address is unknown (“the Respondent”)

Tribunal Members:

Graham Harding (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant was entitled to an order for payment by the Respondent in the sum of £2580.96.

Background

1. By application dated 2 May 2019 the Applicant’s representatives, PKC Lets, Pullar house, 35 Kinnoull Street, Perth applied to the Tribunal for an order for payment by the Respondent to the Applicant in respect of alleged rent arrears arising from the Respondent’s tenancy of the property. The Applicant’s representatives provided the Tribunal with a copy of the tenancy agreement and a copy of a rent statement in support of the application.
2. By Notice of Acceptance dated 14 May 2019 a legal member of the Tribunal with delegated powers accepted the application and a Case Management Discussion was assigned.
3. A Case Management discussion was held on at Inveralmond Business Centre, Perth on 28 June 2019 intimation having been given to the parties by

post and by Sheriff Officers to the Respondent. There was no appearance by the Respondent at the Case Management Discussion and it was established that he had vacated the property on 26 June 2019 without leaving a forwarding address. The Applicant's representative present at the Case management discussion sought to increase the sum claimed to £2581.05. As intimation of the increased amount had not been given to the Respondent the Case Management discussion was adjourned to a further Case Management Discussion to allow intimation of the amendment if necessary by way of Service by Advertisement on the Housing and Property Chamber Website.

4. Subsequently the Applicant's representatives intimated the amended sum claimed namely £2580.96 together with an amended rent statement by email to the Respondent and intimation of the amendment and the adjourned Case Management Discussion was given to the Respondent by way of Service by advertisement on the Housing and Property Chamber website between 8 July 2019 and 13 August 2019. A Certificate of Service was issued on 13 August 2019.

The Case Management Discussion

5. The adjourned Case Management Discussion was held at Inveralmond Business Centre, Perth on 13 August 2019. It was attended by Miss Jennifer Kent of PKC Lets for the Applicant. The Respondent did not attend and was not represented. The Tribunal was satisfied that intimation of the Case Management discussion had been given to the Respondent in accordance with Rule 6A of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 ("the 2017 Regulations") and proceeded with the Case Management discussion in his absence.
6. Miss Kent confirmed that the Respondent had vacated the property on 26 June 2019 without leaving a forwarding address. She referred the Tribunal to the amended rent statement that showed the rent due by the Respondent up to the date of termination of the tenancy as £2580.96. Miss Kent confirmed that no deposit had been paid by the Respondent and no payment had been made by him since leaving the property.
7. Miss Kent advised the Tribunal that she was seeking an order for payment in the sum of £2580.96.

Findings in Fact

8. The parties entered into a Private Residential Tenancy agreement that commenced on 9 August 2018 at a rent of £460.00 per calendar month.
9. The Respondent accrued rent arrears between 9 January 2019 and 26 June 2019 amounting to £2580.96.
10. The Respondent did not pay a deposit at the commencement of the tenancy.

11. The Respondent has not made any payment towards the arrears since vacating the property on 26 June 2019.

Reasons for Decision

12. The Tribunal was satisfied from the documents submitted with the application and the further documents subsequently provided by the Applicant's representatives that the parties entered into a Private Residential Tenancy Agreement that commenced on 9 August 2018 and terminated when the Respondent vacated the property on 26 June 2019. The Respondent had paid the monthly rent of £46000 from the commencement of the lease up until December 2018 but had not paid any rent after that time. At the point the Respondent left the property he had accrued rent arrears amounting to five months and 26 days rent in the sum of £2580.96.

13. Although the Respondent had left no forwarding address the Applicant's representatives had intimated the increased sum claimed to him by email and intimation of the adjourned Case Management Discussion had been provided in accordance with Rule 6A of the 2017 Regulations. The Tribunal was therefore satisfied that the Applicant was entitled to the order sought.

Decision

14. The Applicant is entitled to an order for payment by the Respondent to the Applicant in the sum of £2580.96.

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.

Graham Harding

Legal Member/Chair

13 August 2019

Date