



**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/18/2869

Re: Property at 41 Cranston Street, Penicuik, EH26 9BP (“the Property”)

Parties:

Mr David Jarvis, c/o The Key Place, 6 Bank Street, Penicuik, EH26 9BG (“the Applicant”)

Miss Sarah Lumsden, 41 Cranston Street, Penicuik, EH26 9BP (“the Respondent”)

Tribunal Members:

Mark Thorley (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment by the Respondent to the Applicant of £4193.52 be made

Background

By application dated 24 October 2018 the applicant applied to the First-tier Tribunal under Rule 70. The application was accompanied by a copy rent statement.

Case Management Discussion (CMD)

Mr Robert Young and Ms Fiona MacBeth from the Key Place appeared on behalf of the applicant. Ms Lumsden was not present nor represented.

It was noted that there had been a previous case management discussion in which the case management discussion had been adjourned for a period of eight weeks to allow Ms Lumsden the opportunity to take advice on the debt

and then to put forward proposals for settlement and for a final balance of arrears to be calculated.

A final balance had been calculated and intimated to Ms Lumsden. No rent had been paid since the raising of the application nor had any proposals been put for repayment

It was also noted at the previous case management discussion that Mr Henderson had moved out of the property in or around May 2018 and that he was no longer required to be a party to the proceedings. Mr Henderson was removed from the application.

Findings in Fact

1. A tenancy existed between the parties.
2. Rent arrears amounting to £4193.52 had accrued.
- 3 All the paperwork was in order.

Reasons for Decision

The Respondent did not appear at the CMD. The paperwork confirmed the amount of outstanding rent.

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.

M Thorley

Legal Member/Chair

Date

2 April 2019

*Insert or Delete as required