



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/18/3399

Re: Property at 60 Goosecroft Road, Stirling, FK8 1JX (“the Property”)

Parties:

Steadfast Homes, Old Viewforth, Pitt Terrace, Stirling, FK8 2ET (“the Applicant”)

Mr Russel McAvoy, 1 Fisher Row, Raploch, Stirling, FK8 1FL (“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 Respondent be ordered to pay the Applicant the sum of £987.08

Background

This is an application for payment of rent arrears in terms of section 16 of the Act and Rule 70 of the Procedure Rules.

The Tribunal had regard to the following documents:

1. Application received 13 December 2018;
2. Tenancy Agreement commencing 1 April 2016;
3. Statement of Rent Arrears.

Case Management Discussion (CMD)

The case called for a CMD on 25 January 2019. The Applicant was represented. The Respondent did not appear and was not represented.

The Applicant's agent moved for the Christian name of the Respondent to be amended from Richard to Russel. The application to amend was granted. The Tribunal considered the execution of service of the notification of the CMD upon the Respondent. The Tribunal was satisfied that there was no need to re-serve in light of the service upon the Respondent. The tribunal was also satisfied that the Respondent was aware that the Tribunal could determine the matter at the CMD and in the Respondent's absence.

The Applicant's agent confirmed that the deposit had been used towards the rent arrears and accordingly the amount sought was the reduced amount of £987.08.

The Tribunal was satisfied that it had sufficient information upon which to make a decision and that it was fair to do so. The Tribunal found that the Respondent had been the tenant of the Property from 1 April 2016 until he departed on 16 September 2018 and that he was in arrears in the sum sought as at the date of the CMD.

The Tribunal accordingly granted the order 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.

Alan Strain

Legal Member/Chair

Date

25 January 2019