



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/22/1877

Re: Property at 15 Harlow Place, Dundee, DD3 6ST (“the Property”)

Parties:

Mr Mark Milne, 20A Drumsheugh Gardens, Edinburgh, EH3 7RN (“the Applicant”)

Mr Rostyslav Pechonov, 15 Harlow Place, Dundee, DD3 6ST (“the Respondent”)

Tribunal Members:

George Clark (Legal Member) and Elizabeth Dickson (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application should be decided without a Hearing and made an Order for Payment by the respondent to the Applicant of the sum of £3,120.

Background

By application, dated 11 June 2022, the Applicant sought an Order for Payment in respect of unpaid rent that had become lawfully due by the Respondent to the Applicant. The sum sought was £3,120.

The application was accompanied by a copy of a Private Residential Tenancy Agreement between the Parties commencing on 2 March 2019 at a rent of £260 per month and a Rent Statement showing arrears as at 2 June 2022 of £3,120.

On 9 December 2022, the Tribunal advised the parties of the date and time of a Case Management Discussion, and the Respondent was invited to make written representations by 30 December 2022. The Respondent did not make any written representations to the Tribunal.

Case Management Discussion

A Case Management Discussion was held by means of a telephone conference call on the morning of 11 January 2023. The Applicant was present. The Respondent was not present or represented. The Applicant told the Tribunal that no rent payments had been received since the date of the application.

Reasons for Decision

Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 provides that the Tribunal may do anything at a Case Management Discussion which it may do at a Hearing, including making a Decision. The Tribunal was satisfied that it had before it all the information and documentation it required to enable it to decide the application without a Hearing.

The Tribunal was satisfied that the sum sought had become lawfully due by the Respondent to the Applicant and that an Order for Payment should, therefore, be made.

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.

George Clark

Legal Member/Chair

11 January 2023
Date