



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 (Act)

Chamber Ref: FTS/HPC/CV/20/1158

Re: Property at 93d William Street, East Wemyss, Kirkcaldy, KY1 4PQ (“the Property”)

Parties:

Mr William Jeffrey, Mrs Lynne Jeffrey, 6 Manor Gardens, Blairgowrie, PH10 6JS (“the Applicant”)

Mr William Davidson, Mrs Nicola Davidson, Erbitshall, Dunino, Fife, KY16 8QH (“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 application for payment be granted in the sum of £2,970.00.

Background

This was an application under Rule 70 and section 16 of the Housing (Scotland) Act 2014 in respect of rent arrears during a tenancy of the Property.

The Tribunal had regard to the following documents:

1. Application received 11 May 2020;
2. Private Residential Tenancy Agreement (**PRTA**) commencing 1 December 2017;
3. Schedule of rent arrears;
4. Sheriff Officer Certificate of Service of CMD Notification on Respondent dated 24 September 2020;
5. What’s App messages between the Parties.

Case Management Discussion (CMD)

The case called for a CMD by conference call on 26 October 2020. The Applicant participated. The Respondent did not participate. The Tribunal delayed the commencement of the CMD to see if the Respondent would call in – but they did not.

The Tribunal was satisfied that the Respondent had received notification of the CMD by Sheriff Officer Certificate of Service dated 24 September 2020. The Respondent was aware that the Tribunal could determine matters in absence if it had sufficient information to do so and the procedure was fair.

The Tribunal raised with the Applicant that the application had been initiated under Rule 70 when it should have been raised under Rule 111. The Applicant moved to amend the application. The Tribunal granted the amendment.

The Applicant also confirmed that some housing benefit had been received which reduced the sum originally sought to £2,970.00.

Decision and Reasons

The Tribunal considered the documentation before it and was satisfied that it had sufficient information to determine the matter at this stage and that the procedure was fair.

The Tribunal made the following findings in fact:

1. The Parties entered into a PRTA commencing 1 December 2017;
2. The monthly rent was £750.00;
3. As at the date of the CMD the rent outstanding was £2,970.00

The Tribunal determined that at the order for payment in the sum of £2,970.00 should be granted.

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

26 October 2020

Legal Member/Chair

Date