



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/20/2452

Re: Property at 7 Turret Drive, Polmont, FK2 0QW (“the Property”)

Parties:

Miss Emma Smith, 14 Castings Crescent, Falkirk, FK2 7BA (“the Applicant”)

Miss Kelly-Anne Taylor, 68 2f2 Constitution Street, Edinburgh, EH6 6RR (“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 order for payment should be granted in the sum of £2,321.75 with interest at the rate of 4%.

Background

This is an application under Rule 111 and section 71(1) of the Act in respect of alleged rent arrears due by the Respondent.

The Tribunal had regard to the following documents:

1. Application received 24 November 2020;
2. Private Residential Tenancy Agreement (**PRTA**) commencing 7 November 2019;
3. Schedule of Rent Arrears;
4. Certificate of Service by Sheriff Officers of Tribunal CMD Notification on Respondent dated 20 January 2021.

Case Management Discussion (CMD)

The case called for a CMD by conference call on 22 February 2021. The Applicant participated and represented herself. The Respondent did not participate and was not represented. She had contacted the administration and asked for a postponement. She had been told to put such application in writing. She had not done so.

The Tribunal delayed the start of the CMD to see if the Respondent would participate. The Respondent did not.

The Tribunal were satisfied that the Respondent had received notification of the Case Management Discussion and that the Tribunal could determine the matter if it considered it had sufficient information to do so and the procedure was fair. The notification also advised the Respondent that she should attend and the Tribunal could determine the matter in absence if she did not.

The Applicant advised that the arrears as at the date of the CMD had changed due to recovery of the deposit of £495. The sum now due was £2,321.75. The Applicant moved the Tribunal to grant an order for payment in that amount.

The Tribunal then considered the documentary evidence it had received from the Applicant and in so far as material made the following findings in fact:

1. The Parties let the subjects under a PRTA commencing 7 November 2019;
2. The monthly rent was £495;
3. As at the date of lodging the application the rent was in arrears in the sum of £2,816.75;
4. As at the date of the CMD the arrears were £2,321.75;
5. Notification of the CMD had been served on the Respondent by Sheriff Officers on 20 January 2021.

The Tribunal considered that it had sufficient information upon which to make a Decision and that the procedure was fair. The Tribunal was satisfied that the rent arrears had been established and accordingly granted the application for an order for payment in the sum of £2,321.75 with interest at the rate of 4%.

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.

22 February 2021

Legal Member/Chair

Date

