



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

Chamber Ref: FTS/HPC/CV/20/2328

Re: Property at 38 Irene Hughes Drive, Rosyth, KY11 2DZ (“the Property”)

Parties:

Hilton of Rosyth NHT 2014 LLP, Kiloran Hall, Middle Balado, Kinross, KY13 0NH (“the Applicant”)

Mr Shawn Jarvie, UNKNOWN, UNKNOWN (“the Respondent”)

Tribunal Members:

Helen Forbes (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment should be granted in favour of the Applicant in the sum of £3104.12

Background

1. This is an application received in the period between 5th and 23rd November 2020, made in terms of Rule 111 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 as amended (“the Rules”). The Applicant’s representative lodged a copy of a private residential tenancy agreement in respect of the Property which commenced on 13th January and ended on 30th June 2020, payment schedule and email communications. The monthly rent was £770.99.
2. Service upon the Respondent by advertisement was carried out on the Housing and Property Chamber website in terms of Rule 6A from 3rd December 2020 to 13th January 2021.

Case Management Discussion

3. A Case Management Discussion (“CMD”) took place by telephone conference on 13th January 2021. The Applicant was represented by Mr William Dodd, Property Manager. The Respondent was not in attendance.

4. The Tribunal considered the terms of Rule 29. The Tribunal determined that the Respondent had been given reasonable notice of the time and date of the CMD by service by advertisement and that the requirements of Rule 17(2) had been satisfied and it was appropriate to proceed with the application in the absence of the Respondent.
5. Mr Dodd moved for an order for payment in the sum of £3104.12, which is the sum of the rent arrears outstanding in terms of the Property, which arrears have accumulated since March 2020.

Findings in Fact

6.
 - (i) Parties entered into a private residential tenancy agreement in respect of the Property commencing on 13th January and ending on 30th June 2020 with a monthly rent of £770.99.
 - (ii) Rent lawfully due in terms of the tenancy agreement between the parties has not been paid by the Respondent.
 - (iii) The Applicant is entitled to recover rent lawfully due.

Reasons for Decision

7. The Respondent has failed to make payment of rent lawfully due. The Applicant is entitled to recover rent lawfully due in terms of the tenancy agreement between the parties.

Decision

8. An order for payment is granted in favour of the Applicant in the sum of £3104.12.

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.

Helen Forbes

Legal Member/Chair

13th January 2021
Date