



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/23/0578

Re: Property at 32 Blaven Court, Forres, Morayshire, IV36 1EH (“the Property”)

Parties:

Mr James Andrew, 16 Morlich Crescent, Nairn, Highland, IV12 4TW (“the Applicant”)

Miss Erika Liptak, 32 Blaven Court, Forres, Morayshire, IV36 1EH (“the Respondent”)

Tribunal Members:

Alan Strain (Legal Member) and Ahsan Khan (Ordinary 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 be granted in the sum of £2,652.66.

Background

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

The Tribunal had regard to the following documents:

1. Application received 24 February 2023;
2. Short Assured Tenancy Agreement (**SAT**) commencing 12 October 2017;
3. Schedule of Rent Arrears at 13 February 2023;
4. Certificate of Service of CMD Notification on Respondent dated 19 May 2023.

Case Management Discussion (CMD)

The case called for a CMD by conference call on 22 June 2023. The Applicant did not participate but was represented by his solicitor. The Respondent did not participate and was not represented.

The Tribunal delayed the start of the CMD to see if the Respondent would participate but she 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's solicitor informed the Tribunal that the Respondent lived alone in the Property and was a professional artist. There were some £2,652.66 of rent arrears as at the date of the CMD.

The Applicant asked the Tribunal to deal with the matter on the basis of the documentation before it.

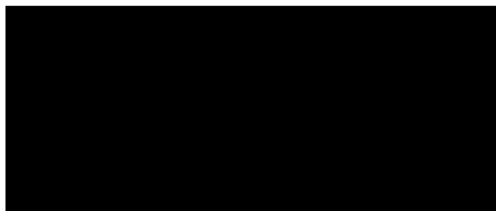
The Tribunal then considered the documentary evidence it had received from the Applicants and in so far as material made the following findings in fact:

1. The Parties let the subjects under a SAT commencing 12 October 2017;
2. Monthly rent was £510;
3. As at the date of the CMD there was £2,652.66 rent due.

The Tribunal granted the order for payment in the sum of £2,652.66.

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.



Legal Member/Chair

22 June 2023

Date