



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/22/4025

Re: Property at 111 Bilby Terrace, Irvine, KA12 9DS (“the Property”)

Parties:

Mr James Moran, 122 Streatham Vale, London, SW16 5TB (“the Applicant”)

Mr James Cantillon, UNKNOWN, UNKNOWN (“the Respondent”)

Tribunal Members:

Nicola Irvine (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted an Order for Payment against the Respondent in favour of the Applicant in the sum of £1,174.34.

Background

1. The Applicant submitted an application under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. The Applicant sought an order for payment in respect of rent arrears said to have been incurred by the Respondent.
2. By decision dated 20 January 2023, a Convenor of the Housing and Property Chamber, having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion (“CMD”).
3. The Notice of Acceptance was intimated to the Applicant’s representative on 23 January 2023. The present whereabouts of the Respondent is unknown to the Applicant. The Tribunal intimated the application to the Respondent by advertisement on the Housing and Property Chamber website on 14 February 2023.

The case management discussion

4. The CMD took place by conference call. The Applicant was represented by Mr Ruff. The Respondent did not join the conference call and the discussion proceeded in his absence. The Applicant's representative explained that the Applicant had received the deposit of £385 from an approved scheme and that sum had been applied to rent arrears, thus reducing the rent arrears outstanding to £1,174.34. The Applicant's representative relied upon the rent statement lodged in support of the application and sought an order for payment in the reduced sum of £1,174.34.

Findings in Fact

5. The parties entered into a private residential tenancy which commenced 3 August 2021.
6. The Respondent was obliged to pay rent at the rate of £385 per month, in advance.
7. As at 3 October 2022, the Respondent had incurred rent arrears of £1,559.31.

Reason for Decision

8. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the CMD. The Respondent failed to participate in the discussion and did not lodge any written submissions. The rent statement lodged set out rent due, rent paid and a running total of rent arrears. There was nothing to indicate that the Respondent disputed the level of rent arrears shown on the rent statement. The Applicant had received the Respondent's deposit of £385 and therefore the sum due in relation to rent arrears was reduced to £1,174.34. The Tribunal was satisfied that sum is due to the Applicant in respect of rent arrears.

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.

Nicola Irvine

Legal Member/Chair

20 March 2023
Date