



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section**

Chamber Ref: FTS/HPC/CV/20/0522

Re: Property at Balado Home Farmhouse, Balado, By Kinross, KY13 0NJ (“the Property”)

Parties:

D Geddes Contractors Ltd, Swirlburn, Colliston, Arbroath, DD11 3SH (“the Applicants”)

Mrs Kirsty MacGregor aka Kirsty Sharp, sometime residing at Balado Home Farmhouse, Balado, by Kinross, KY13 0NJ and whose current address is unknown (“the Respondent”)

Tribunal Member:

Martin McAllister (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order should be granted against the Respondent in favour of the Applicants for payment of the sum of TWELVE THOUSAND FIVE HUNDRED POUNDS (£12,500)

Background

On 11TH February 2020 the Applicant submitted an application to the First-tier Tribunal for Scotland seeking payment of the sum of £12,500 in respect of rent arrears.

A case management discussion was arranged for 31st March but had to be postponed because of the Covid-19 restrictions.

A new case management discussion was arranged for 11th August 2020 and intimation on the Respondent was made by advertisement. The Respondent contacted the Tribunal administration on 30th June 2020 and stated that she was in the “middle of a bankruptcy process” and requested a postponement because of illness. No certification in respect of illness was produced and the request for a postponement was refused. On 1st July 2020 the Respondent

advised that she would be at work on 11th August and would not be able to participate in the case management discussion. The Respondent was advised that she could arrange for someone to represent her. No written representations were made by the Respondent.

A case management discussion was held on 11th August 2020. It was held by audio conferencing because of the current public health emergency.

The case management discussion

There was no appearance by the Respondent and the start of the case management discussion was delayed until 10.10am.

Mr Scott Milne, solicitor, appeared on behalf of the Applicants. He said that his clients were looking for a payment order of £12,500. He said that he did not have an address for the Respondent. Mr Milne said that the tenancy had come to an end in February 2020 and he referred the Tribunal to the rent statement which had been lodged with the application and which showed that the monthly rent due in terms of the tenancy agreement was £1,200 and that the level of arrears was £12,500 which is the sum sought by the Applicants. The purpose of a case management discussion was addressed and Mr Milne said that he saw no reason for a Hearing to be held to determine the application and requested that the payment order be granted today.

Findings in Fact

1. The parties entered into a short assured tenancy agreement in respect of the Property.
2. The short assured tenancy agreement was dated 2nd and 22nd February 2016.
3. The monthly rent due under the private residential tenancy was £1,200.
4. The sum due and unpaid in respect of rent as at February 2020 and the date of the case management discussion was £12,500.

Documents before Tribunal

1. The short assured tenancy agreement dated 2nd and 22nd February 2016.
2. Rent statement from April 2019 to February 2020.

Reasons

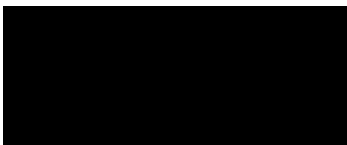
The Tribunal accepted that the Respondents owed £12,500 to the Applicant in respect of rent arrears. The case management discussion had been intimated to the Respondents who had made no written representations or appearance.

The Respondent had contacted the Tribunal administration seeking a postponement of the case management discussion and the Tribunal was satisfied that intimation of the case management discussion had been made on the Respondent who was aware of when it was taking place. The Tribunal had no reason to dispute the accuracy of the rent statement showing the sum due to be £12,500 and it accepted that the Respondents had a contractual obligation to make payment of the rent in terms of the private residential tenancy agreement.

The Tribunal saw no reason not to make an order and considered that it was not necessary to continue determination of the application to a Hearing.

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.



Martin J. McAllister
Legal Member

11th August 2020