



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/20/1186

Re: Property at 65 West Avenue, Uddingston, G71 6HA (“the Property”)

Parties:

Mrs Heidrun Thomsen, 6 Milton Gardens, Uddingston, G71 6EB (“the Applicant”)

Ms Caroline Stern, 287 Old Edinburgh Road, Uddingston, G71 6AR (“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 be granted in the sum of £2,411.93.

Background

This is an application under Rule 111 and section 71(1) of the Act in respect of alleged rent arrears during the tenancy of the Property.

The Tribunal had regard to the following documents:

1. Application received 19 May 2020;
2. Private Residential Tenancy Agreement (**PRTA**) commencing 1 February 2019;
3. Tenant Transaction Report dated 3 December 2019;
4. Check Out Documentation prepared by Countrywide Lettings dated 27 November 2019;
5. Invoice for property maintenance dated 5 January 2020;
6. Letters from Applicant’s Solicitor to Respondent dated 27 November 2019 and 11 March 2020;
7. Sheriff Officer Certificate of Service of Tribunal CMD Notification on Respondent dated 24 July 2020.

Case Management Discussion (CMD)

The case called for a CMD by conference call on 18 August 2020. The Applicant did not participate but was represented by her 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. 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 Tribunal had regard to the documentation lodged in support of the application.

Having considered the documentation, the Tribunal made the following findings in fact:

1. The Parties let the subjects under a PRTA commencing 1 February 2019 until its termination on 27 November 2019;
2. The monthly rent was £695.00;
3. The Respondent was £2,006.93 in arrears of rent as at the termination date of the tenancy;
4. The Applicant incurred remedial costs to the Property in the sum of £1,400;
5. The Applicant received the deposit of £995 towards the remedial costs.

The Tribunal considered that it had sufficient information to determine the matter at this stage and the procedure was fair.

The Tribunal was satisfied that the arrears and the remedial costs had been established and accordingly granted the application for payment in the sum of £2,411.93.

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.

Alan Strain

18 August 2020

Legal Member/Chair

Date