

Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 70(1) of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/20/1417

Re: Property at 2/2 Telford Grove, Edinburgh, EH4 2UL (“the Property”)

Parties:

Mr George Quilter, c/o DJ Alexander Lettings Ltd, 1 Wemyss Place, Edinburgh, EH3 6DH (“the Applicant”)

Miss Debbie Hume, whose present whereabouts are unknown (“the Respondent”)

Tribunal Members:

Ruth O'Hare (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to make an order for payment of Four thousand four hundred and ninety five pounds (£4,495) Sterling in favour of the Applicant against the Respondent

Background

- 1 By application to the Tribunal, the Applicant sought an order against the Respondent for unpaid rent arrears in the sum of £4,495. In support of the application the Applicant submitted copy Tenancy Agreement between the parties, Rent Statement and Rent Increase Letter. The Applicant further provided a letter authorising DJ Alexander to act on his behalf.
- 2 By Notice of Acceptance of Application dated 13 July 2020 the Legal Member with delegated powers of the Chamber President intimated that there were no grounds on which to reject the application. A Case Management Discussion was therefore assigned for 14 October 2020. Due to the imposition of restrictions arising from the Covid-19 pandemic a direction was issued to the parties by the Chamber President confirming that the Case Management

Discussion would take place by teleconference. On the basis that the Respondent's whereabouts were unknown, a copy of the application paperwork together with notification of the date and time of the Case Management Discussion and instructions on how to join the teleconference was served by advertisement on the Tribunal website between 9 September 2020 and 14 October 2020.

The Case Management Discussion

- 3 The Case Management Discussion took place by teleconference on 14 October 2020. The Applicant was represented by Dayna Greeney of DJ Alexander. The Respondent did not attend. The Legal Member noted that service of the application paperwork together with the date, time and details for joining the case conference had been effected by advertisement on the Tribunal website which was a method of service permitted by the First-tier Tribunal (Housing and Property Chamber) Procedural Rules 2017 upon cause shown. She therefore determined to proceed in the Respondent's absence.
- 4 The Legal Member explained the purpose of the Case Management Discussion. She confirmed with Ms Greeney that the Respondent had vacated the property in July 2020 leaving no forwarding address. Attempts had been made to track her down to no avail. Ms Greeney confirmed there had been no contact from the Respondent for months now. Previous efforts had been made to assist in her in repaying the arrears through a payment plan but this had been unsuccessful, hence why the application to the Tribunal became necessary. Ms Greeney confirmed that the last payment received to the rent account was in February 2020.

Findings in Fact and Law

- 5 The parties entered into a Tenancy Agreement dated 3 July 2014 in respect of the property.
- 6 The said Tenancy Agreement provides that the rent is due to be paid by the Respondent at the rate of £975 per month. This increased to £1035 per month in January 2017.
- 7 The last payment made by the Respondent towards the monthly rent was in February 2020.
- 8 As at 3 June 2020, arrears of rent in the sum of £4,495 were outstanding.
- 9 The Respondent is due to pay the sum of £4,495 to the Applicant under the terms of the Tenancy Agreement between the parties.

Reasons for Decision

- 10 Having considered the written representations from the Applicant and the verbal submissions of his representative at the Case Management Discussion the Tribunal determined it could make a determination of the application and that to do so would not be prejudicial to the interests of the parties. There were no identified issues in dispute and therefore no requirement to fix a hearing in the matter. Having noted that the efforts made by the Applicant to trace the Respondent and the evidence of service by advertisement of the application paperwork the Tribunal determined it could take a decision at the Case Management Discussion in the absence of the Respondent.
- 11 Having accepted the terms of the tenancy agreement and rent statement produced by the Applicant, and based on its findings in fact, the Tribunal was satisfied that the Respondent was liable to pay the sum of £4,495. There was nothing before the Tribunal to contradict the position put forward by the Applicant which was a credible and consistent account of the matter.
- 12 The Tribunal therefore made an order in the sum of £4,495 against the Respondent.

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.

Ruth O'Hare

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Legal Member/Chair

14/10/2020

Date