



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/20/2018

Re: Property at 162 Sutherland Way, Livingston, EH54 8HZ (“the Property”)

Parties:

CBC Homes Ltd, 13 Anderson Green, Livingston, West Lothian, EH54 8PW (“the Applicant”)

Ms Bernadette Haggerty, Unknown, Unknown (“the Respondent”)

Tribunal Members:

Lesley Ward (Legal Member)

Decision (in absence of the Respondent)

- 1. The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the respondent shall make payment to the applicant of the sum of seven thousand five hundred and thirteen pounds and eighty four pence (£7513.84).**
2. This was the second case management discussion ‘CMD’ in connection with an application in terms of 71 of the Private Housing (Tenancies) (Scotland) Act 2016, ‘the Act’ and rule 111 of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, ‘the rules’ to recover rent arrears for the property.
3. The tribunal had before it the following copy documents:

- (1) Application dated 29 September 2020.
 - (2) Rent statement with rent arrears as at 7 September 2020.
 - (3) Private Residential Tenancy agreement with a start date of 6 August 2018.
 - (4) Email from the applicant's representative to the tribunal chamber dated 26 November 2020.
 - (5) Land certificate.
 - (6) Emails from the respondent to the tribunal chamber dated 21, 25 November 2020 and 3, 4 December 2020.
4. The CMD proceeded by conference call. The applicant was represented at the CMD by Mr Blair Miller of Maintenance and Technical (Property) Ltd. The respondent did not attend and was not represented. At the first CMD on 1 December 2020 the respondent did not attend and was not represented. She had however been in contact with the tribunal by email and had stated that she had not received her copy of the application. She had found out about the application from the new tenant to the property. The tribunal noted that the respondent had moved out the property before the papers were deposited by sheriff officer. The tribunal allowed the applicant to amend the sum sought to £7513.84. The first CMD was adjourned to today's date to enable the tribunal chamber to send a copy of the amended application to the respondent by email.
 5. The tribunal sent the amended application to the respondent on 3 December 2020.
 6. The respondent sent an email to the tribunal on 3 December 2020 which suggested that the respondent was not disputing the rent arrears but there was some dispute with the applicant regarding redecoration and removal of rubbish.

Discussion

7. Mr Miller was seeking an order for the sum of £75513.84. This sum purely related to rent arrears as set out in the schedule and was not in relation to removal or rubbish or redecoration costs. He was seeking rent arrears from October 2019 until 20 October 2020. He stated that the respondent sent an email on 20 September 2020 indicating that she was moving out of the property. There was a contractual notice period of 28 days and the arrears had been calculated to 20 October 2020. The respondent moved out of the property on 5 October 2020.

8. Findings in fact

- (1) The applicant is the owner of the property.

- (2) The applicant entered into a private residential tenancy with the respondent for let of the property in August 2018.
- (3) The agreed monthly rent was £680.
- (4) Rent arrears of £7513.84 accrued between October 2019 and 20 October 2020.
- (5) The sum of £7513.84 remains outstanding.

9. Reasons

This was an undefended application to recover rent arrears incurred in a private residential tenancy agreement. In the absence of any appearance by the respondent or any request for a time to pay direction, the tribunal granted an order for the sum sought.

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.

Lesley Ward

12 January 2021

Lesley A Ward Legal Member

Date