



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/21/0185

Re: Property at 36 Strathclyde Court, Helensburgh, G84 9PW (“the Property”)

Parties:

Mrs Catriona Morton, Lower Flat, 134 West Princes Street, Helensburgh, G84 8HA (“the Applicant”)

Angela Porter, End View, Chapel Lance, Toynton All Saints, Spilsby, PE23 5AF (“the Respondent”)

Tribunal Members:

Lesley Ward (Legal Member) and Frances Wood (Ordinary Member)

- 1. The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the respondent shall make payment to the applicant the sum of six thousand four hundred pounds (£6400) with interest at two percent (2%) per annum from 26 March 2021 until payment.**

Background

- 2. This was a case management discussion ‘CMD’ regarding an application in terms of s71 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. The applicant was represented by Ms Matheson solicitor. The respondent did not attend, and she was not represented. The tribunal had sight of the execution of service of the application on the respondent dated 23 February 2021. Service was effected by personal service. The tribunal was satisfied that the respondent had received appropriate notice in terms of rule 24. The tribunal proceeded with the CMD in the respondent’s absence in terms of rule 29.**

3. There was a second application before the tribunal for eviction in terms of rule 109.
4. As a preliminary matter the tribunal allowed the sum sought to be amended in terms of rule 14A. The applicant's solicitor had made a timeous motion to the tribunal on 16 March 2021 and that had been intimated to the respondent on that date. The sum sought was therefore amended to £6400.
5. The tribunal had before it the following copy documents:
 - (1) Application dated 25 January 2021.
 - (2) PRT dated 10 July 2019.
 - (3) Rent statement with rent arrears as at 10 January 2021.
 - (4) Rent statement with rent arrears as at 10 March 2021.
 - (5) Land certificate.

6. Findings in fact

- (1) The applicant is the owner of the property.
- (2) The parties entered into a PRT in July 2019 for let of the property.
- (3) The tenancy commenced on the 10 July 2019.
- (4) The agreed rent was £600 per month.
- (5) Arrears began to accrue in April 2020.
- (6) The arrears as at 10 March 2021 were £6400.
- (7) The sum of £6400 remains outstanding.

7. Reasons

This is an undefended application to recover rent arrears arising out of a PRT. The tribunal was satisfied that it had sufficient information before it to make a decision and the procedure had been fair. The tribunal accordingly made an order for the sum of £6400.

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.

26 March 2021

Lesley A Ward Legal Member

Date