



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/21/1222

Re: Property at 24 Union Street, Cowdenbeath, Fife, KY4 9SA (“the Property”)

Parties:

St Andrews Estates, 184 Newry Road, The Factory, Banbridge, County Down (“the Applicant”)

Mr Aaron Morrison, Unknown, Unknown (“the Respondent”)

Tribunal Members:

Lesley Ward (Legal Member)

Decision (in absence of the Respondent)

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 three thousand and seventy five pounds and eighty four pence (£3075.84).

Background

1. 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 arising out of a private residential tenancy ‘PRT’. The applicant’s representative Ms Jackie Welsh of Homes in Focus Ltd attended. The respondent did not attend, and he was not represented. The tribunal has sight of the service by advertisement certificate and proceeded with the CMD in terms of rule 24 and 29 of the rules.

2. The tribunal had before it the following copy documents:

- (1) Application dated 19 May 2021.
- (2) PRT dated 10 December 2018.
- (3) Rent statement with arrears as at 1 May 2021.
- (4) Land certificate.
- (5) Rent increase notice.

Preliminary matters.

3. Ms Welsh explained that, as per the note submitted with the application, her company drafted the lease in the name of the Lotus Group as the Lotus Group acquired St Andrew's Estates in November 2018. Since then, the Lotus Group have decided to operate under St Andrew's Estates, hence the title is still in the name of St Andrew's Estates.

Discussion

4. Ms Welsh was seeking an order for £3075.84 which was the level of rent arrears when the application was made. The tenant left the property in June 2021. She stated that there were substantial rent arrears in December 2020 but between December 2020 and May 2021 a portion of the rent was paid directly to the applicant in respect of the respondent's universal credit.

5. Findings in fact

- (1) The applicant is the owner of the property.
- (2) The parties entered into a PRT in December 2018 for let of the property.
- (3) The tenancy commenced on 11 December 2018.
- (4) The agreed rent was £375 per month.
- (5) The rent was increased to £380 on 1 April 2020,
- (6) Arrears began to accrue in February 2020.
- (7) The arrears as at 1 May 2021 were £3075.84
- (8) The tenancy came to an end in June 2021 when the respondent left the property.
- (9) The sum of £3075.84 remains outstanding.

6. 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 accepted the applicant's submission in relation to the rent arrears and how the sum of £3075.84 had been arrived at. The tribunal accordingly made an order for the sum of £ 2275.

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.

L. W

12 August 2021

Lesley A Ward Legal Member

Date