

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/21/1491

Re: Property at 23 Ravelrig Gait, Balerno, Edinburgh, EH14 7NH (“the Property”)

Parties:

Mr Ammar Kaka, Mrs Bushra Kaka, 7 Evesham House, Hereford Road, London, W2 4PD (“the Applicants”)

Mr David Gill, UNKNOWN, UNKNOWN (“the Respondent”)

Tribunal Members:

Gabrielle Miller (Legal Member)

Decision (in absence of the Applicant and the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant is entitled to an order for payment amounting to £19496.34 (NINETEEN THOUSAND FOUR HUNDRED AND NINETY SIX POUNDS AND THRITY FOUR PENCE).

Background

1. An application was received by the Housing and Property Chamber which was made on 22nd June 2021. The application was submitted under Rule 111 of The First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on the Respondent not maintaining rent payments amounting to £19496.34.
2. A Case Management Discussion (“CMD”) was held on 17th September 2021. The CMD was adjourned to allow the tracking details to be found for the service upon the Respondent. The Tribunal also issued a direction for the Applicant to provide vouching for the deductions from the deposit.
3. The Applicants provided the information required in the direction on 25th September 2021.

4. On 29th September 2021 all parties were written to with the date for the CMD of 3rd November 2021 at 10am by teleconferencing. Service by Advertisement was undertaken upon the Respondent from 6th October 2021.
5. A CMD was held on 3rd November 2021 at 10am by teleconferencing. The Applicants were not present. The Respondent was not present. The Tribunal proceeded in terms of Rule 29 of the Rules. The Respondent did not make representations in advance of the hearing. The Tribunal noted that there was a rent statement provide illustrating the arrears amount of £19496.34. However, as the Applicants did not attend it was not known if there had been any issues of reasonableness to cause the arrears, if there were any outstanding Housing Benefit issues or if the Applicants had any other knowledge for the arrears accruing that would be significant to the decision. The Tribunal issued a direction to have those questions answered.
6. On 16th November 2021 all parties were written to with the date for the CMD of 21st December 2021 at 10am by teleconferencing. Service by Advertisement was undertaken upon the Respondent from 16th November 2021.
7. On 22nd November 2021, the Applicants responded to the direction answering all the questions on it and confirming that no contact has been able to be made with the Respondent and raised no issues of reasonableness.

The Case Management Discussion

8. A CMD was held on 21st December 2021 at 10am by teleconferencing. The Applicants were not present. The Respondent was not present. The Tribunal proceeded in terms of Rule 29 of the Rules. The Respondent did not make representations in advance of the hearing.
9. The Tribunal was satisfied that the outstanding sum claimed for in the application was legally due to the Applicant by the Respondent. No issues of reasonableness were raised by either party.

Findings and reason for decision

10. A Private Rented Tenancy Agreement commenced 22nd February 2018.
11. The Respondent persistently failed to pay his rent charge of £1750 per month. The rent payments were due to be paid monthly in advance.
12. The tenancy ended on 3rd March 2021.
13. The total rent arrears amounted to £20839.34. This figure was reduced by £1383 which was the remaining part of the deposit after deductions were made for repairs. The arrears sought total £19496.34.

Decision

14. The Tribunal found that the Applicant was entitled to be granted an order for payment from the Respondent amounting to £19496.34

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.

Gabrielle Miller

21st December 2021

Legal Member/Chair

Date