



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 71(1) of the Private Housing
(Tenancies) (Scotland) Act 2016.**

Chamber Ref: FTS/HPC/CV/21/1643

Re: Property at 34 36 Fowler Terrace, Edinburgh, EH11 1DA (“the Property”)

Parties:

Solenglen Limited, 15 Holmwood Ave, Uddingston, Glasgow, G71 7AJ (“the Applicant”)

Mr Liam Cowie, 34 36 Fowler Terrace, Edinburgh, EH11 1DA (“the Respondent”)

Tribunal Members:

Karen Kirk (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted a Payment Order against the Respondent for the sum of £3885.

1. Attendance and Representation

This was a Case Management Discussion to consider the application dated 7th July 2021 brought in terms of Rule 111 (civil proceedings in relation to a Private Residential Tenancy) of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 as amended. The discussion took place by teleconference as a result of the restrictions required by the COVID-19 pandemic.

James Logan was in attendance for the Applicants.

The Respondent was not present.

2. Preliminary Matters

The Application last called on the 7th September 2021. No one attended this Hearing. In the interests of justice and the overriding objective the Tribunal adjourned the Case Management Discussion to today's date.

The Applicant's representative set out that he had technical issues that day and was on hold but could not join the teleconference. Email communication to the Tribunal Administration confirmed he had advised of same after the Hearing.

3. Case Management Discussion

The Applicant's representative advised that he had served an anti-social behaviour notice eviction to the Respondent's due to alleged behaviours. He said in response to save the Respondent left the property of his own free will on 28th August 2021. The Applicant's representative said that he had given the Respondent extra time to leave and some monies from the deposit to assist in terms of his alternative accommodation. The Applicant's representative said that he had no forwarding address for the Respondent.

The Applicant's representative had lodged a further rent statement on the morning of the Tribunal seeking to increase the sum sought from £3885 to £4040. However he confirmed he was only seeking a payment order for £3885 as noted on the Application and served on the Respondent. The Tribunal had indicated he was seeking to amend the Application without notification on the Respondent and he said he had no forwarding details and instead sought a payment order for £3885 only.

4. Findings in Fact

1. This Application is dated 7th July 2021 and brought in terms of Rule 111 of the First-Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.
2. The Applicant and the Respondent entered into a Private Residential Tenancy for the property on 4th August 2020.
3. Private Residential Tenancy under the Private Housing (Tenancies) (Scotland) Act 2016 and is a multiple occupancy tenancy.
4. Rent payable under this tenancy was £400 per month.
5. As at 1st July 2021 at the date of this Application and in terms of the formal rent statement lodged of same date, rent due by the Respondent to the Applicant was £3885

5. Reasons for Decision

The Tribunal was satisfied that a decision could be made in the Respondent's absence at the Hearing as the Respondent had had a number of opportunity to engage with the Tribunal and it would have been contrary to the interests of parties having regard to the Overriding objective not to proceed with a Hearing. The Respondent's complaint

with the Tribunal had been dealt with separately by the Tribunal Administration and was not relevant to the Tribunals consideration of the evidence.

The Tribunal was satisfied that the Applicant was the heritable proprietor of the Property. The Tribunal was satisfied that there was a Private Residential Tenancy between parties and that on the evidence provided it was appropriate having regard to the overriding objective of the Tribunal to make a determination at the CMD. The Tribunal was satisfied that the respondents were in arrears of rent lawfully due and a Rent Statement for the property was lodged, and the application and this rent statement had been served on the Respondent. Rent owed from same amounted to £3885. Accordingly in terms of Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016 the Tribunal granted an Order for payment for the sum of £3885 against the Respondent. Whilst there was no appearance by the Respondent he had been served with the Application and no contact had been made regarding same to the Applicant or the Tribunal regarding.

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.

K Kirk

18th October 2021

Legal Member/Chair

Date