

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/21/1961

Re: Property at 121 Main Street (Ground Floor Left), Largs, Ayrshire, KA30 8JJ (“the Property”)

Parties:

Ms Emma Brooks, 45 Main Road, Fairlie, Ayrshire, KA29 0AB (“the Applicant”)

Mr Cameron Stewart, 121 Main Street (Ground Floor Left), Largs, Ayrshire, KA30 8JJ (“the Respondent”)

Tribunal Members:

Ms H Forbes (Legal Member) and Mr D MacIver (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment should be granted in favour of the Applicant in the sum of £1128.74.

Background

1. This is an application received in the period between 16th and 29th August 2021 made in terms of Rule 111 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, as amended (‘the Rules’). The Applicant is the landlord of the Property, and the Respondent is the tenant, in terms of a tenancy agreement that commenced on 10th August 2020 at an agreed rent per month of £425.
2. The Applicant lodged a copy of the tenancy agreement, copy bank statements and a rent statement. The Applicant is seeking an order for payment for unpaid rent in the sum of £1128.74.
3. Service of the application and notification of a Case Management Discussion was served upon the Respondent by Sheriff Officers on 20th September 2021.

The Case Management Discussion

4. A Case Management Discussion took place by telephone conference on 22nd October 2021. The Applicant was in attendance. The Respondent was not in attendance.
5. The Tribunal considered the terms of Rule 29. The Tribunal determined that the Respondent had been given reasonable notice of the time and date of the Hearing, together with details on joining the telephone conference. The Tribunal determined that the requirements of Rule 17(2) had been satisfied and that it was appropriate to proceed with the application in the absence of the Respondent upon the representations of the Applicant and the material before the Tribunal.
6. The Applicant asked the Tribunal to grant an order for payment in the sum of £1128.74. The sum remains outstanding and the total arrears have increased.

Findings in Fact and Law

7.
 - i. Parties entered into a private residential tenancy agreement in respect of the Property that commenced on 10th August 2021 at an agreed rent of £425 per month.
 - ii. Rent lawfully due in terms of the tenancy agreement was not paid by the Respondent.
 - iii. The Applicant is entitled to recover rent lawfully due.

Reasons for Decision

8. The Respondent has failed to make payment of rent lawfully due. The Applicant is entitled to recover rent lawfully due in terms of the tenancy agreement between the parties.


Decision

9. An order for payment is granted in favour of the Applicant in the sum of £1128.74.

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.


Helen Forbes

Legal Member/Chair

22nd October 2021

Date