



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section Section 51 of Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/22/0060

Re: Property at 14 Vorlich Crescent, Callander, FK17 8JE (“the Property”)

Parties:

Mr Andrew Bowie, c/o 2 Lendrick Avenue, Callander, FK17 8LZ (“the Applicant”)

Ms Myra Kyle, The Store, Carrutherstown, Dumfries, DG1 4LD (“the Respondent”)

Tribunal Members:

Jim Bauld (Legal Member) and Gerard Darroch (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order should be granted for payment in the sum of Ten thousand and fifty pounds (£10,050.00)

Background

1. By application dated 7 January 2022 the applicant sought an order under section 51 of (“the Act”) and in terms of rule 109 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.
2. On 5 May 2022 the application was accepted by the tribunal and referred for determination by the tribunal.
3. A Case Management Discussion (CMD) was set to take place on 15 July 2022 and appropriate intimation of that hearing was given to both parties

The Case Management Discussion

4. The Case Management Discussion (CMD) took place on 15 July 2022 via telephone case conference. The applicant did not take part personally in the telephone case conference but was represented by his solicitor, Ms Elaine Elder from Aberdeen Considine, solicitors, Aberdeen. The Respondent did not take part.
5. The tribunal explained the purpose of the CMD and the powers available to the tribunal to determine matters.
6. The tribunal asked various questions of the applicant's solicitor with regard to the application.
7. The solicitor confirmed that she wished the order for payment to be made.

Findings in Fact

8. The Applicant is the registered owner of the property along with Kristina Bowie.
9. The Applicant and the Respondent as respectively the landlord and tenant entered into a tenancy of the property which commenced on 28 September 2018.
10. The tenancy was a private residential tenancy in terms of the Act.
11. The agreed monthly rental was £550.
12. Arrears had started to accrue in June 2020 and at the date of the lodging of the application arrears amounted to £10,050.00.
13. The amount of arrears at the date of the CMD was £13,350.
14. Appropriate accounting had been provided in respect of the outstanding rent with the application to the tribunal.

Reasons for Decision

15. The tribunal accepted the unchallenged evidence of the applicant regarding the outstanding sums. The tribunal noted that the respondent had failed to engage with both the applicant and with the tribunal despite having ample opportunity to do so.

16. The tribunal also exercised the power within rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 and determined that a final order should be made at the CMD.

Decision

The order for payment of the sum of £10,050.00 is granted

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.

Jim Bauld

Legal Member/Chair

Date: 15.07.2022