



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/22/1826

Re: Property at 2/L 70 South Methven Street, Perth, PH1 5NX (“the Property”)

Parties:

Mrs Jilly Burdge, 48 The Murrays Brae, Edinburgh, EH17 8UG (“the Applicant”)

Mr Jakob Rice, 2/2 49 South Methven Street, Perth, PH1 5NU (“the Respondent”)

Tribunal Members:

Gabrielle Miller (Legal Member)

Decision (in absence of 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 from the Respondent for £423.12 (FOUR HUNDRED AND TWENTY THREE POUNDS AND TWELVE PENCE) with interest at 5.25% per annum from the date of decision

Background

1. An application was received by the Housing and Property Chamber dated 16th June 2022. 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 paying his final rent payment.
2. On 23rd July 2022 all parties were written to with the date for the Case Management Discussion (“CMD”) of 7th September 2022 at 10am by teleconferencing. The letter also requested all written representations be submitted by 13th August 2022.

3. On 27th July 2022, sheriff officers served the letter with notice of the hearing date and documentation upon the Respondent personally. This was evidenced by Certificate of Intimation dated 27th July 2022.

The Case Management Discussion

4. A CMD was held 7th September 2022 at 10am by teleconferencing. The Applicant was represented by Mr John McKeown, trainee solicitor, Jackson Boyd Solicitors. 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.
5. Mr McKeown told the Tribunal that there have been no offers of payment towards the arrears by the Respondent. The Respondent was due the Applicant a partial month payment as he left during a month. The Respondent left on 8th March 2022. Mr McKeown's firm had written to the Respondent on 13th May 2022 but there has been no response from the Respondent. Mr McKeown said that prior to his firm contacting the Respondent the letting agent had also made attempts to contact him regarding payment. Mr McKeown does not believe that there are any Universal Credit Housing Element payments awaiting that would reduce the outstanding amount.
6. The Tribunal was satisfied that the outstanding amount for £423.12 with interest at 5.25% per annum from the date of decision was due to the Applicant by the Respondent and that it was appropriate to grant an order accordingly.

Findings and reason for decision

7. A Private Rented Tenancy Agreement commenced 6th December 2021.
8. The Respondent's rent charge was £495 per month payable on the 6th day of each month.
9. There are now no outstanding Universal Credit Housing Element issues that would reduce the amount sought.
10. The arrears sought total £423.12. This is the payment due for part of the last month of the tenancy.

Decision

11. The Tribunal found that the Applicant was entitled to be granted an order for payment amounting to £423.12 with interest at 5.25% per annum from the date of decision.

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

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7th September 2022

Legal Member/Chair

Date