



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 70(1) of the Private Housing Tenancies (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/23/0218

Re: Property at 12 Atholl Place, Inverness, IV2 6EX (“the Property”)

Parties:

Lighthouse Properties (Scotland) Ltd, The Lighthouse, Craigton, North Kessock, Inverness, IV1 3YG (“the Applicant”)

Mr Ian Urquhart, Mrs Maria Ragosta, Unknown, Unknown (“the Respondent”)

Tribunal Members:

Ruth O'Hare (Legal Member) and James Battye (Ordinary Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to make an order for payment in the sum of Eleven thousand three hundred pounds (£11,300) Sterling

Background

- 1 By application to the Tribunal the Applicant sought an order for payment of outstanding rent arrears against the Respondent. In support of the application the Applicant provided the following documentation:-
 - (i) Private Residential Tenancy Agreement between the parties dated 15 March 2019;
 - (ii) Rent Statement;
 - (iii) Bank Statements; and

- (iv) Copy emails and letters from the Applicant's representative to the Respondent regarding rent arrears.

- 2 By Notice of Acceptance of Application the Legal Member with delegated powers of the Chamber President intimated that there were no grounds on which to reject the application. A Case Management Discussion was therefore assigned for the 13th July 2023 to take place by teleconference. A copy of the application paperwork together with notification of the date and time of the Case Management Discussion and instructions on how to join the teleconference was intimated to the Respondent by service by advertisement on the Tribunal website. No written representations were received from the Respondent.

- 3 The Applicant subsequently submitted an updated rent statement confirming that arrears had increased to £11,300 which was treated as a request for amendment of the sum sought.

Case Management Discussion

- 4 The Case Management Discussion took place by teleconference on 13 July 2023. The Applicant was represented by Ms Alice Cochrane. Neither Respondent was in attendance. The Tribunal noted that service of the application paperwork had been effected by advertisement on the Tribunal website and therefore determined to proceed in their absence.

- 5 The Tribunal explained the legal test and asked Ms Cochrane to address the Tribunal on the Applicant's position. Ms Cochrane confirmed that the arrears had increased to £11,300 and the Applicant sought an order in that sum. There had been no payment arrangement agreed and no contact from the Respondents who were believed to have moved to the Philippines.

Findings in Fact

- 6 The parties entered into a Private Residential Tenancy Agreement dated 15 March 2019 which commenced on that date.

- 7 The tenancy between the parties was a private residential tenancy as defined by section 1 of the 2016 Act.

- 8 In terms of Clause 8 of the said Tenancy Agreement the Respondent undertook to make payment of rent at the rate of £700 per calendar month.

- 9 As at the date of the Case Management Discussion arrears in the sum of £11,300 were outstanding.

Reasons for Decision

- 10 The Tribunal was satisfied that it had sufficient information upon which to make a decision at the Case Management Discussion and that it would not be prejudicial to the interests of the parties.
- 11 The Tribunal was content based on its findings in fact that the Respondents were due to pay rent of £700 per month under the terms of the tenancy agreement between the parties and that arrears in the sum of £11,300 had accrued. There was nothing before the Tribunal to contradict the position put forward by the Applicant which the Tribunal found to be credible. The Tribunal therefore made an order for payment in that sum.
- 12 The decision of the Tribunal was unanimous.

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.

Ruth O'Hare

13 July 2023

Legal Member/Chair

Date