

**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 16 of the Housing (Scotland)
Act 2014**

Chamber Ref: FTS/HPC/CV/23/0560

Re: Property at 18D Crossgate, Cupar, KY15 5HH (“the Property”)

Parties:

Mrs Susan Rhodes, 8 Ashfield Road, Cults, Aberdeenshire, AB15 9NQ (“the Applicant”)

Mr Andrew John Robertson, C/O 6 West Bank, Auchtermuchty, KY14 7LA (“the Respondent”)

Tribunal Members:

George Clark (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application should be decided without a Hearing and made an Order for Payment by the Respondent to the Applicant of the sum of £2,240.

Background

By application dated 22 February 2023, the Applicant sought an Order for Payment in respect of unpaid rent that had become lawfully due by the Respondent to the Applicant. The sum sought was £2,240.

The application was accompanied by a copy of a Private Residential Tenancy Agreement between the Parties commencing on 3 July 2019 at a rent of £560 per month, and a Rent Statement showing arrears as at 22 February of £2,240. It showed that the unpaid rent had been £2,800, but that the deposit of £560 had been paid in full to the Applicant on the termination of the tenancy. The Applicant stated that the Respondent had vacated the Property and although initially he had made contact and agreed to repay the arrears, no funds had been received and he was no longer answering calls or emails.

On 27 April 2023, the Tribunal advised the Parties of the date and time of a Case Management Discussion, and the Respondent was invited to make written

representations by 15 May 2023. The Respondent did not make any written representations to the Tribunal.

Case Management Discussion

A Case Management Discussion was held by means of a telephone conference call on the morning of 6 June 2023. The Applicant was represented by Ms Beverley McCrostie of Martin & Co Cupar, 27 Bonnygate, Cupar. The Respondent was not present or represented. The Applicant's representative told the Tribunal that no payments had been received since the date of the application. The Respondent had vacated the Property on 9 November 2022 and the rent due as at that date was £2,880, before the tenancy deposit was deducted.

Reasons for Decision

Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 provides that the Tribunal may do anything at a Case Management Discussion which it may do at a Hearing, including making a Decision. The Tribunal was satisfied that it had before it all the information and documentation it required to enable it to decide the application without a Hearing.

The Tribunal was satisfied that the amount sought in the application had become lawfully due by the Respondent to the Applicant.

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.

George Clark

Legal Member/Chair

6 June 2023
Date