



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/23/0697

Re: Property at 59 Clyde Street, Camelon, FK1 4ED (“the Property”)

Parties:

Mr Craig Hamilton, 1 Pitcairnie Lane, Carnbo, Kinross, KY13 0NA (“the Applicant”)

Mr Christopher Doyle, UNKNOWN, UNKNOWN (“the Respondent”)

Tribunal Members:

Andrew Upton (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Respondent is liable to make payment to the Applicant in the sum of ONE THOUSAND FIVE HUNDRED AND FORTY THREE POUNDS AND THIRTY NINE PENCE (£1,543.39) STERLING

Statement of Reasons

1. This Application called for its Case Management Discussion by teleconference call on 28 August 2023. The Applicant was represented by Miss O’Rourke. The Respondent was neither present nor represented.
2. In this Application the Applicant seeks payment of a sum said to be due as rent arrears. The Application has been served on the Respondent by advertisement on the Tribunal’s website. The Tribunal was satisfied that the Respondent has therefore received service of the Application as provided for in the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”).

3. The terms of the Application are straightforward. The Applicant contends that the Respondent has accrued rent arrears up to the date of termination of the Private Residential Tenancy between the parties of £2,133.39. The Respondent had paid a tenancy deposit of £590, which has been released to the Applicant by Safe Deposits Scotland, an approved tenancy deposit scheme, and applied in its entirety to the rent arrears. The balance due is £1,543.39, and that is the sum sued for.
4. In terms of Rule 17(4), the Tribunal may do anything at a CMD that it may do at a Hearing, including make a Decision. In terms of Rule 2, the Tribunal must have regard to the overriding objective to deal with proceedings justly when making a Decision, including the need to avoid unnecessary delay.
5. The Respondent has been served with the Application. The Respondent has not sought to dispute the Application. In the circumstances, the Tribunal is satisfied that the contents of the Application are not in dispute. The Tribunal therefore grants the payment order in the sum of £1,543.39.

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.

Andrew Upton

28/08/2023

Legal Member/Chair

Date