



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) in terms of Rule 17 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”) In respect of an application under Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the Act”) and Rule 111 of the Rules

Chamber Ref: FTS/HPC/CV/23/0825

Re: Property at 15 F Kirk Brae, Fraserburgh, AB43 9BY (“the Property”)

Parties:

Mrs Maria Rosario Luna and Eduardo Antonio Prato Jaen, 3 Gough Way, Cambridge, CB3 9LN (“the Applicants”) per their agents, Martin and Co 123-125 Rosemount Place, Aberdeen, AB25 2YH (“the Applicants’ Agents”)

Mr Armando Jose Vieira, 106A Charlotte St, Fraserburgh, AB43 9LS (“the Respondent”)

Tribunal Members:

Karen Moore (Legal Member)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an Order for payment in the sum of THREE THOUSAND TWO HUNDRED AND TWENTY SEVEN POUNDS AND SIXTY SEVEN PENCE sterling (£3,227.67) Sterling be granted.

Background

1. By application received between 15 March 2023 and 20 April 2023 (“the Application”), the Applicant’s Agents applied to the Tribunal for an Order for payment for rent due arising from a private residential tenancy agreement between the Parties. The Application comprised a copy of the tenancy agreement and copy rent statement showing rent arrears £3,227.67 and copy correspondence to the Respondent satisfying the pre-action requirements.
2. The Application was accepted by the Tribunal Chamber and a Case Management Discussion (the “CMD”) was fixed for 23 June 2023 at 14.00 by telephone conference. The CMD was intimated to the Parties, and, in particular, was served on the Respondent by Sheriff Officer on 24 May 2023.

CMD

3. The CMD took place on 23 June 2023 at 14.00 by telephone conference. The Applicants did not take part and were represented by Mr. S.Barr of the Applicant's Agents. The Respondent was not present and was not represented. The Respondent did not submit written representations.
4. Mr. Barr advised the Tribunal that the Respondent has not made payment of the sum sought and stated in the Application.

Findings in Fact.

5. From the Application, the documents lodged and the CMD, the Tribunal made the following findings in fact:-
 - i) There was a private residential tenancy of the Property between the Parties at a monthly rent of £350.00;
 - ii) The Respondent fell into arrears of rent in May 2020 and accrued arrears of £3,227.67;
 - iii) The sum of £3,227.67 remains due and owing.

Decision and Reasons for the Decision

6. Having found in fact that the Respondent is due and owing to the Applicant in respect of the sum sought, the Tribunal granted the Order sought.

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.

Legal Member

23 June 2023
Date