



**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/20/0137

The Parties:

**Novantile Ltd, DGHP, Grierson House, The Crichton, Bankend Road, Dumfries,
DG1 4ZS; (“the Applicant”)**

**Novantile Ltd, DGHP, Grierson House, The Crichton, Bankend Road, Dumfries,
DG1 4ZS (“the Representative”);**

and

**Mr Fraser Robison, formerly residing at 8 Tupperwuppy Court, Dumfries, DG1
4ZS and whose current address is unknown (“the Respondent”)**

Re: Property at 113 Carrick Road, Dumfries, DG2 9PZ (“The Property”)

Tribunal Member:

G McWilliams- Legal Member

Decision in absence of the Respondent

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that**

Background

1. This is an Application for a payment order dated 15th January 2020 brought in terms of Rule 70 (Application for civil proceedings in relation to an assured tenancy under the 1988 Act) of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 as amended (“the 2017 Regulations”).

2. In the Application the Applicant sought payment in respect of arrears in rental payments of £122.09.
3. The parties' Short Assured Tenancy Agreement had been correctly and validly prepared in terms of the provisions of the Housing (Scotland) Act 1988, and the procedures set out in that Act had been correctly followed and applied.
4. The Respondent had been validly served by Advertisement with the Notification, Application papers and Guidance Notes from the Tribunal.

Case Management Discussion on 11th August 2020

5. A Case Management Discussion ("CMD") was held on 11th August 2020, remotely by conference call. The Applicant was represented by Mr Christopher Watt. The Respondent did not attend and was not represented. The Tribunal noted that intimation of today's CMD had not been given to the Respondent by email as the Tribunal had not received the Respondent's consent to email communications. Intimation had been made by Advertisement on 30th June 2020. At today's CMD the Applicant sought payment in respect of arrears in rental payments of £122.09. The Applicant had produced supporting papers in respect of the amount sought.
6. The Applicant's Representative stated that the Respondent and Mrs J Robison had left their tenancy of the Property at the end of August 2014 and subsequently agreed a payment arrangement with the Applicant in respect of arrears of rent owing. The Respondent and Mrs J Robison had not made a repayment, or communicated with the Applicant, since 1st March 2016 and the amount sought of £122.09 remained outstanding.

Statement of Reasons for Decision

7. Section 16 of the Housing (Scotland) Act 2014 provides as follows:

"16. Regulated and assured tenancies etc.

(1) The functions and jurisdiction of the sheriff in relation to actions arising from the following tenancies and occupancy agreements are transferred to the First-tier Tribunal -

(a) a regulated tenancy (within the meaning of section 8 of the Rent (Scotland) Act 1984 (c.58)),

(b) a Part VII contract (within the meaning of section 63 of that Act),

(c) an assured tenancy (within the meaning of section 12 of the Housing (Scotland) Act 1988 (c.43)).

(2) But that does not include any function or jurisdiction relating to the prosecution of, or the imposition of a penalty for, a criminal offence.

(3) Part 1 of schedule 1 makes minor and consequential amendments."

8. Accordingly, the Tribunal now has jurisdiction in relation to claims by landlords (such as the Applicant) for payment of unpaid rental monies and other related costs against tenants (such as the Respondent) under a Short Assured Tenancy.
9. The Tribunal considered the terms of the parties' Short Assured Tenancy Agreement and the copy rent arrears Statement, as well as the statements of the Applicant's Representative Mr Watt, at today's CMD, and was satisfied that the Respondent was still due to pay the sum of £122.09 to the Applicant in respect of rent arrears. The Respondent was jointly and severally responsible to make payment in terms of the Short Assured Tenancy Agreement. Accordingly, the Tribunal made an order for payment of the sum sought of £122.09.
10. The Tribunal did not make any award of expenses. The Respondent had not engaged in the current proceedings and therefore the criteria in Rule 40 in the 2017 Regulations were not satisfied.

Decision

11. Accordingly, the Tribunal makes an order for payment by the Respondent to the Applicant of the sum sought of £122.09.

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.



G McWilliams

11th August 2020

Legal Member

Date