



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 of the Private Housing (Tenancies) Act 2016**

**Chamber Ref: FTS/HPC/CV/21/1388**

**Re: Property at 52A Ashley Terrace, Alloa, FK10 2BB (“the Property”)**

**Parties:**

**Mrs Elaine Pascazio, 14 Dykedale, Dunblane, FK15 0DN represented by her husband Mr Nicholas Pascazio (“the applicants”)**

**Mr Eric Hunter, whose whereabouts are currently unknown to the tribunal (“the respondent”)**

**Tribunal Members:**

**David Preston (Legal Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the tribunal”) determined that an order for payment by the respondent to the applicants of the sum of TWO THOUSAND AND FORTY EIGHT POUNDS 22 PENCE (£2048.22) should be made.**

**Background:**

1. By application dated 9 June 2021 the applicants applied for an order for payment in respect of arrears of rent amounting to £2348.22.
2. The papers before the tribunal comprised: Rent Statement to 1 July 2021 showing arrears of rent to that date of that sum.
3. By Decision dated 10 August 2021, a Convener of HPC having delegated power for the purpose, referred the application under rule 9 of the Rules to the tribunal for a Case Management Discussion (CMD).
4. A CMD was scheduled to take place by telephone, but the Sheriff Officers reported on 26 August 2021 that they were unable to serve intimation on the respondent as the property was empty and not occupied when they attended and were advised by a neighbour that the respondent had moved out approximately one month previously.

5. A CMD was re-scheduled for 26 October 2021 in respect of which intimation was served by advertisement on the First-tier Tribunal for Scotland website on 21 September 2021 conform to Certificate of Service by Advertisement dated 26 October 2021.

### **Case Management Discussion**

6. On 26 October 2021 a CMD was convened by telephone in accordance with the provisions for dealing with business during the COVID-19 pandemic. Present by telephone at the CMD were the applicants. There was no attendance by or on behalf of the respondent.
7. The tribunal was satisfied that Notice of the CMD had been served on the respondent by advertisement as detailed above.

### **Findings in Fact**

8. The rent statement showed that the arrears of rent as at 1 July 2021 amounted to £2340.22.

### **Reasons for Decision:**

9. Rule 17 of the Regulations states that the tribunal may do anything at a CMD which it may do at a hearing, including making a decision. The tribunal decided that, on the basis of the information presented to it, it was able to determine the application at the CMD.
10. The applicants advised that the respondent contacted them to advise that he had now obtained employment and would be able to make payments at the rate of £50 per week which he commenced on 21 September 2021. He has now paid a total £300 towards the arrears which has reduced the balance outstanding as at the date of the CMD to £2048.22 and the applicants sought an Order for that sum.
11. The tribunal accepted the information in the file and as provided by the applicants and determined to issue the order for payment.

### **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.**