



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71(1) of the Private Housing (Tenancies)(Scotland) Act 2016**

**Chamber Ref: FTS/HPC/CV/19/0573**

**Re: Property at 19 North Bank Park, Bo'ness, EH51 9UB (“the Property”)**

**Parties:**

**Mrs Lisa Aitken, C/o The Key Place, 6 Vicar Street, Falkirk, FK1 1JL (“the Applicant”)**

**Mr Michael Mitchell, 19 North Bank Park, Bo'ness, EH51 9UB (“the Respondent”)**

**Tribunal Members:**

**Alastair Houston (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 of ONE THOUSAND EIGHT HUNDRED AND FIFTEEN POUNDS AND SIXTY PENCE (£1815.60) STERLING be made in favour of the Applicant.**

**1. Background**

- 1.1 This is an application under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”) whereby the Applicant was seeking an order for payment in respect of unpaid rent due in under a Private Residential Tenancy agreement.
- 1.2 The application was accompanied by a copy of the written tenancy agreement and a rent statement. At the previous Case Management Discussion on 2 May 2019, the Respondent had accepted that rent arrears of £1,492.80 were due to the Applicant. Proceedings had been adjourned to a further Case Management Discussion to allow the Respondent an opportunity to apply for a Time to Pay direction.

1.3 Since the 2 May 2019, no application for a Time to Pay direction had been received from the Respondent. The Applicant had lodged an up to date rent statement detailing the balance of rent arrears due as at 28 May 2019.

## **2. The Case Management Discussion**

2.1 The Case Management Discussion took place on 13 June 2019. The Applicant was represented by Mr Robert Young of The Key Place. The Respondent was neither present nor was he represented. There had been no communication from him regarding an inability to attend.

2.2 The Legal Member considered that the Respondent had been given notice of the Case Management Discussion and that it should proceed in his absence, as permitted by Rule 29 of the Rules. Mr Young made submissions on behalf of the Applicant.

2.3 Mr Young advised that the Respondent remained in occupation at the property. The rent arrears continued to increase and were currently £1,815.60, as reflected on the rent statement lodged with the Tribunal on 30 May 2019. He wished to increase the sum claimed to that amount. He did not wish to add any additional matters to the claim in light of the decision of the Tribunal at the previous Case Management Discussion. The Legal Member allowed the sum claimed to be amended in light of the notice given in the application form and the statement lodged on 30 May 2019.

## **3. Reasons For Decision**

3.1 In terms of the tenancy agreement between the parties, the Respondent was contractually obliged to make payment to the Applicant of £525.00 each calendar month by way of rent. The Applicant had accepted at the previous Case Management Discussion that rent arrears were due. The Legal Member accepted the figure stated on the up to date rent statement as being a true and accurate reflection of the sum owed and, accordingly, made an order for payment of that amount.

## **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.**

A Houston

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Legal Member/Chair

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Date

13 June 2019