



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/19/3467

Re: Property at 35H Newton Street, Greenock, PA16 8SB (“the Property”)

Parties:

Ms Carmelita Bugausan, 1 Library Mews, Cantilupe Road, Ross-On-Wye, HR9 7FN (“the Applicant”)

Mr Steven Robertson, Unknown, Unknown (“the Respondent”)

Tribunal Members:

Jim Bauld (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order should be granted for payment in the sum of TWO THOUSAND EIGHT HUNDRED POUNDS (£2800.00)

Background

1. By application dated 21 October 2019, the applicant sought an order for payment under Section 16 of the Housing (Scotland) Act 2014 (“the Act”) and in terms of rule 111 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Procedure Regulations”). On 19 March 2020 the application was accepted by the tribunal and referred for determination by the tribunal.

2. A Case Management Discussion (CMD) was set to take place on 14 August 2020 and appropriate intimation of that hearing was given to both parties. Intimation on the respondent was by means of service by advertisement on the website of the tribunal as provided by rule 6A of the Procedure Regulations. The appropriate advertisement was placed on the tribunal website on 10 July 2020.

The Case Management Discussion

3. The Case Management Discussion (CMD) took place on 14 August 2020 via telephone case conference the applicant took part in the telephone case conference. The Respondent did not take part.
4. The tribunal explained the purpose of the CMD and the powers available to the tribunal to determine matters
5. The tribunal asked various questions of the applicant with regard to the application.
6. The applicant confirmed that she wished the order for payment to be granted

Findings in Fact

7. The Applicant is the registered owner of the property. She and the Respondent as respectively the landlord and tenant entered into a tenancy of the property which commenced on 16 November 2018
8. The tenancy was a private residential tenancy in terms of the Private Housing (Tenancies) Act 2016
9. The agreed monthly rental was £400
10. Arrears had started to accrue from February 2019 and the tenant eventually left the tenancy in or around August 2019. He provided no contact details to the landlord
11. At the date of the lodging of the application arrears amounted to £2800.00
12. The tenant had been continuously in arrears from February 2019 until the date of the CMD.
13. The sum claimed in terms of the application was £2800 and this sum was still owed at the date of the CMD.
14. The basis for the order for Payment was accordingly established

Decision

15. The order for payment is granted. The tribunal is satisfied, based on the evidence presented on behalf of the applicant which is reflected in the Findings in Fact and the notes of the CMD set out above, that the sums claimed by way of rent arrears of £2800.00 are outstanding and are due to be paid by the respondent

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.

J Bauld

Legal Member/Chair

14/08/2020

Date