



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 (Act)

Chamber Ref: FTS/HPC/CV/20/2533

Re: Property at Flat 3, 160 Jerviston Street, Motherwell, ML1 4HT (“the Property”)

Parties:

Mr Alistair Laurie, 37 Cadzow Street, Hamilton, ML3 6EE (“the Applicant”)

Mr Mohammed Hanif, Flat 3, 160 Jerviston Street, Motherwell, ML1 4HT (“the Respondent”)

Tribunal Members:

Alan Strain (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the order for payment should be granted in the sum of £3,195.20.

Background

This is an application under Rule 111 and section 71(1) of the Act in respect of alleged rent arrears due by the Respondent.

The Tribunal had regard to the following documents:

1. Application dated 4 December 2020;
2. Private Residential Tenancy Agreement (**PRTA**) commencing 19 July 2018;
3. Schedule of Rent Arrears as at 1 December 2020;
4. Sheriff Officer Certificate of Service of Tribunal CMD Notification on Respondent dated 11 January 2021.

Case Management Discussion (CMD)

The case called for a CMD by conference call on 15 February 2021. The Applicant did not participate but was represented by Ms Laurie. The Respondent did not participate and was not represented.

The Tribunal delayed the start of the CMD to see if the Respondent would participate. The Respondent did not.

The Tribunal were satisfied that the Respondent had received notification of the Case Management Discussion and that the Tribunal could determine the matter if it considered it had sufficient information to do so and the procedure was fair. The notification also advised the Respondent that he should attend and the Tribunal could determine the matter in absence if he did not.

The Applicant advised that the arrears as at the date of the CMD had increased. The application had not been amended so the Respondent had only received notification of the amount due at the date of lodging the application - £3,195.20. The Applicant moved the Tribunal to grant an order for payment in that amount.

The Tribunal then considered the documentary evidence it had received from the Applicants and in so far as material made the following findings in fact:

1. The Parties let the subjects under a PRTA commencing 19 July 2018;
2. The monthly rent was £375;
3. As at the date of lodging the application the rent was in arrears in the sum of £3,195.20;
4. As at the date of the CMD the arrears were £3,404.81;
5. Notification of the CMD had been served on the Respondent by Sherriff Officers on 11 January 2021.

The Tribunal considered that it had sufficient information upon which to make a Decision and that the procedure was fair. The Tribunal was satisfied that the rent arrears had been established and accordingly granted the application for an order for payment in the sum of £3,195.20.

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.S

Legal Member: Alan Strain

Date: 15 February 2021