



**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/19/2935

Re: Property at 26 Millbuie Street, Elgin, IV30 6GE (“the Property”)

Parties:

Mr John Main, 1 Dunkinty, Elgin, IV30 8RA (“the Applicant”)

Mr Darivsz Stec, 26 Millbuie Street, Elgin, IV30 6GE (“the Respondent”)

Tribunal Members:

George Clark (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application should be decided without a Hearing and made an Order for Payment by the Respondent to the Applicant of the sum of £5,625.

Background

By application, received by the Tribunal on 18 September 2019, the Applicant sought an Order for payment in respect of rent that had become lawfully due by the Respondent to the Applicant. The sum sought was £4,125.

The application was accompanied by a copy of a Short Assured Tenancy Agreement between the Parties commencing on 24 October 2016 at a rent of £475 per month and a rent statement showing arrears as at September 2019 of £4,125. The sum of £200 had been paid in September 2019, but, prior to that, there had been no payments since February 2019, when the arrears had stood at £1,000. On 2 January 2020, the Applicant provided the Tribunal with an updated rent statement showing arrears as at December 2019 of £5,150. There had been two further payments of £200 in September 2019 and a payment of £200 in October 2019.

At a Case Management Discussion on 6 January 2020, the Legal Member of the Tribunal continued the case, as she was concerned that the Respondent, who was present, was having difficulty in understanding the proceedings. The Tribunal continued the case to allow for a Polish interpreter to be present.

On 14 January 2020, the Tribunal advised the Parties of the date, time and venue for the continued Case Management Discussion and the Respondent was invited to make written representations by 4 February 2020. The Respondent did not make any written representations to the Tribunal.

Case Management Discussion

The continued Case Management Discussion was held at Elgin Library, Coper Park, Elgin, on the morning of 18 February 2020. The Applicant was present. The Respondent was not present. A Polish interpreter, Ms Magdalena Wrona was in attendance but, as the Respondent had not appeared, her presence was unnecessary. On the morning of the Case Management Discussion, the Applicant had e-mailed the Tribunal with an updated rent statement showing arrears now standing at £5,625. The Applicant asked the Tribunal for leave to amend the application to increase the sum sought to £5,625 and to determine the application without a Hearing. He confirmed that no rent payments had been received since October 2019.

Reasons for Decision

Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 provides that the Tribunal may do anything at a Case Management Discussion which it may do at a Hearing, including making a decision. The Tribunal was satisfied that it had before it all the information and documentation it required and that it could decide the application without a Hearing.

The Tribunal was content to allow the Applicant to amend the sum sought to £5,625 and was satisfied that the sum sought, as thus amended, was lawfully due by the Respondent to the Applicant.

Decision

The Tribunal determined that the application should be decided without a Hearing and made an Order for Payment by the Respondent to the Applicant of the sum of £5,625.

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 Clark

Legal Member/Chair

18 February 2020

Date