



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

Chamber Ref: FTS/HPC/CV/20/0901

Re: Property at 19 Back Dykes, Auchtermuchty, Cupar, Fife, KY14 7AB (“the Property”)

Parties:

Mrs Yvonne Verrecchia, c/o Victoria Letting, 4 Chancellor Street, Glasgow, G11 5RQ (“the Applicant”)

Miss Phoebe Tang, Mr Edward Crawford, 19 Back Dykes, Auchtermuchty, Cupar, Fife, KY14 7AB; 19 Back Dykes, Auchtermuchty, Cupar, Fife, KY14 7AB (“the Respondents”)

Tribunal Members:

Yvonne McKenna (Legal Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment should be granted in favour of the Applicant in the sum of £5250 , under section 71 of the Private Housing (Tenancies) (Scotland) Act 2016.

Background

1. This is an application dated 11th March 2020 and submitted to the Tribunal on 12th March 2020 in terms of Rule 111 of The Housing and Property Chamber (Procedure) Regulations 2017 as amended (“the Rules”). The Applicant is seeking an order for payment in respect of unpaid rent in the sum of £5250. The parties entered into a Private Residential Tenancy Agreement in respect of the Property which commenced on 1st February 2019. The rent is £525 per month. The Applicant

included a copy of the tenancy agreement and a schedule of rent arrears with the application. An up to date rent account was lodged with the Tribunal on 3rd August 2020 and sent to both Respondents by first class post on 5th August 2020.

2. The case was set down for a Case Management Discussion (“CMD”) on 7th August 2020.

3. The application along with a letter dated 2nd July 2020 intimating the date of the CMD was served on the Respondents by Sheriff Officers on 3rd July 2020. The Tribunal determined that the requirements of Rule 24(1) of the Rules had been satisfied and that it was appropriate to proceed with the application in the absence of the Respondents upon the representations of the Applicant’s Representative and the material before the Tribunal.

The Case Management Discussion (CMD)

4. The CMD took place by telephone conference on 7th August 2020 at 2pm. The Applicant was represented by Ms. Annette Hannah Business Manager with Victoria Letting. The Respondents did not attend and were not represented.

5. The Applicant’s Representative moved the Tribunal to grant the order sought for arrears covering the period from 1st November 2019 to 1st August 2020, in the sum of £5250. She stated to the Tribunal’s Legal Member that there had been no communication from the Respondents since an e-mail was received from the Second Respondent Mr. Crawford dated 5th February 2020 offering double monthly rental payments moving forward. However no further rent had been paid. She said that she had made a separate application to the Tribunal for an eviction order which had been denied and a new application had been made by her. No date had yet been fixed for that separate application to be heard.

Findings in Fact

6(i) The parties entered into a Private Residential Tenancy Agreement in respect of the Property commencing on 1st February 2019.

(ii) The rent for the Property is £525 per month.

(iii) The Respondents failed to make payment of rent lawfully due in the sum of £5250.

(iv) The Applicant is entitled to recover rent lawfully due in terms of the tenancy agreement between the parties.

Decision

The Tribunal ordered the Respondent to pay the Applicant the sum of £5250

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.

Yvonne McKenna

7th August 2020

Legal Member/Chair

Date