



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the Private Housing (Tenancies) Scotland Act 2016 and Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017

Chamber Ref: FTS/HPC/CV/20/0545

Re: Property at 41 Black Loch Place, Dunfermline, Fife, KY11 8ZD (“the Property”)

Parties:

Kingdom Initiatives Limited, Saltire Centre, Pentland Court, Glenrothes, KY6 2DA (“the Applicant”)

Miss Samantha Rayner, 41 Black Loch Place, Dunfermline, Fife, KY11 8ZD (“the Respondent”)

Tribunal Members:

Martin McAllister (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that

The Respondent pay the sum of ONE THOUSAND EIGHT HUNDRED AND SEVENTEEN POUNDS NINETY NINE PENCE (1,817.99) to the Applicant.

Background

This is an application under Rule 70 of the Rules for payment of the sum of £1,817.99 in respect of rent arrears stated to be due by the Respondent. The application is dated 14th February 2020. A case management discussion had been set down for 14th April 2020 but, because of the public health crisis, had to be postponed. A case management discussion was held on 14th July 2020 and it was adjourned to 5th August 2020.

The Applicant had submitted an application for eviction and a case management discussion on that application was dealt with at the same time.

Intimation of the latest case management discussion was given to the Respondent by a letter dated 15th July 2020 which was delivered by recorded delivery. The case management discussion was conducted by audio conferencing.

Commencement of the case management discussion was delayed to 1410 to allow time for parties to phone in to the audio conference.

Preliminary Matters

Mr Thomas McFarlane, solicitor, appeared for the Applicant. There was no appearance by the Respondent.

Mr McFarlane indicated that his client would not be seeking an order for eviction in terms of the additional application which was before the Tribunal. This was because the Applicant now had possession of the Property. He said that the current level of arrears of rent was £2,842.12 but that the Applicant was seeking an order for the sum of £1,817.99 which is the sum contained in the application. Mr McFarlane requested that the application be determined without a Hearing. He submitted that the Tribunal had sufficient information to make an Order.

Documents before the Tribunal:

- 1. The application dated 14th February 2020.**
- 2. Copy Short Assured Tenancy Agreement dated 24th July 2017.**
- 3. Rent Statement showing arrears of £1,817.99.**

Findings in Fact

- 1. The Applicant and the Respondent entered into a short assured tenancy in respect of the Property on 24th July 2017 which was also the date of commencement of the tenancy.**
- 2. In terms of the short assured tenancy agreement, the Respondent was contractually obliged to pay the monthly rent of £439.54.**
- 3. As at 10th February 2020 there were arrears of rent due to the Applicant amounting to £1,817.99.**

Reasons

The Respondent had made no representations with regard to the application. The Tribunal considered that the rent statement and short assured tenancy agreement before it were sufficient to evidence the debt due 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.

Martin J. McAllister

5th August 2020

Legal Member/Chair

Date