



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/23/1026

Re: Property at Flat 5 30 Hay's Walk, Haddington, Edinburgh, East Lothian, EH41 3FH ("the Property")

Parties:

Places for People Scotland in Association with Castle Rock Edinvar Housing Association, 1 Hay Avenue, Edinburgh, EH16 4RW ("the Applicant")

Mr Andrew Boyle, Flat 5 30 Hay's Walk, Haddington, Edinburgh, East Lothian, EH41 3FH ("the Respondent")

Tribunal Members:

Alan Strain (Legal Member) and Elizabeth Williams (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that an order for payment be granted in the sum of £13,392.83.

Background

This is an application under Rule 111 of *The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (Rules)* and section 71(1) of the Act in respect of a claim for payment of alleged rent arrears.

The Tribunal had regard to the following documents:

1. Application received 29 March 2023;
2. Private Residential Tenancy Agreement (**PRTA**) commencing 7 May 2021;
3. Pre-action correspondence;
4. Rent Arrears Statement as at 1 March 2023;
5. Sheriff Officer Certificate of Service of Tribunal CMD Notification on Respondent dated 13 July 2023;
6. Written Representations from the Applicant (copied to the Respondent) received 14 August 2023 enclosing updated Rent Statement as at 1 August 2023.

Case Management Discussion (CMD)

The case called for a CMD by conference call on 16 August 2023. The Applicants did not participate and were represented by their Solicitor. The Respondent did not participate and was not represented.

The Tribunal delayed the start of the CMD to see if the Respondent would participate but he 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 Applicants' Representative confirmed that the amount of arrears had increased to £13,392.83 as at 1 August 2023 and sought amendment to that amount.

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

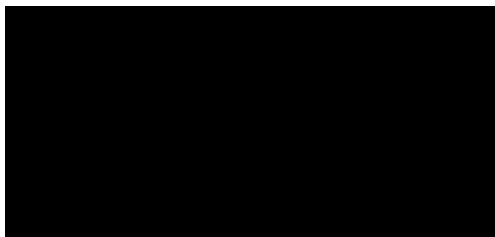
1. The Parties let the subjects under a PRTA commencing 7 May 2021;
2. The monthly rent was £675.35;
3. As at the date of the Hearing the Respondent was in arrears of rent in the sum of £13,392.83.

Decision and Reasons

The Tribunal was satisfied that in the circumstances the Applicants were due the outstanding rent from the Respondent and granted the order sought in the amended amount of £13,392.83.

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.



Legal Member/Chair

16 August 2023

Date