

Housing and Property Chamber
First-tier Tribunal for Scotland



**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/18/2543

**Re: Property at 6 Davie Street Flat 2, Newington, Edinburgh, EH8 9EB (“the
Property”)**

Parties:

**Mr Murray Raeburn, C/O Clyde Property, 8 Busby Road, Clarkston, Glasgow,
G76 7XL (“the Applicant”)**

**Mr Gary Stevens, 6 Davie Street Flat 2, Newington, Edinburgh, EH8 9EB (“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 in the sum of £3,718.96 be
granted.**

Background

This is an application for payment of rent arrears under section 16 of the Act.

The Tribunal had regard to the following documents:

1. Application dated 14 September 2018;
2. Tenancy Agreement dated 12 December 2017;
3. Rent Statement as at 12 September; and
4. Rent Statement as at 14 December 2018.

Case Management Discussion (CMD)

A handwritten signature in black ink, appearing to be 'AS' or similar initials, written in a cursive style.

The case called for a CMD on 14 December. The Applicant was represented by Ms Donnelly (Solicitor). The Respondent did not appear nor was he represented.

The Tribunal were satisfied that service of the notification of the CMD had been made upon the Respondent by Sheriff Officers. The Tribunal referred to the certificate of intimation from the Sheriff Officers confirming this.

The Tribunal were referred to the Rent Statement dated 14 December 2018 confirming that £3,718.96 was due. This was in excess of 3 months' rent but less than the sum that had been claimed initially due to Housing Benefit payments made in the intervening period.

The Tribunal found that a tenancy had been entered in to between the parties on 12 December 2017 and that as at the date of CMD rent was £3,718.94 in arrears. This was less than the sum served on the Respondent. The Applicant's agent moved for an order to be granted in that amount.

The Tribunal accordingly granted the Order having due regard to the overriding objective and being satisfied that it was fair to do so.

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.

Mr Alan Strain

Legal Member/Chair

14/12/18

Date