



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/19/2390

Re: Property at 1E William Street, Dunfermline, Fife, KY12 8AS (“the Property”)

Parties:

Mr Brian Robinson, 21 Main Street, Carnock, KY12 9JG (“the Applicant”)

Mr Gareth Seddon, UNKNOWN, UNKNOWN (“the Respondent”)

Tribunal Members:

Gabrielle Miller (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant is entitled to an order for payment £3720

1. An application was received by the 31st July 2019 which was signed on 29th July 2019. The application was submitted under Rule 111 of The First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on the Respondent not maintaining rent payments.
2. The application included:-
 - a. Copy Scottish Government Model Private Residential Tenancy Agreement with commencement of tenancy being 18th December 2018;
 - b. Rent statement from 1st February 2019 to 1st September 2019. This detailed the rent of £465 per month and arrears of £2860; and
 - c. Text correspondence between the parties.
3. The Tribunal also had before it a copy of the title deeds numbered FFE59510.

4. A Notice of Acceptance of Application was signed on 3rd September 2019.
5. On 12th September 2019, all parties were written to with the date for the Case Management Discussion (“CMD”) of 21st October 2019. The letter also requested all written representations be submitted by 3rd October 2019.
6. The Respondent was served by letter box delivery the documentation on 13th September 2019. The Sheriff Officer noted that he had reasonable grounds to believe that the Respondent was living there.
7. On 21st October 2019 a CMD was held. The case was adjourned to allow for service by advertisement to take place. It was noted that the Respondent had left the Property on 4th September 2019. It was reasonable to conclude that he had not had notification of the hearing.
8. Service by advertisement was carried out on the Housing and Property Chamber website between 12th December 2019 and 15th January 2020.

The Case Management Discussion

9. A CMD was held on 15th January 2019 at 11.30am at Fife Voluntary Action, 16 East Fergus Place, Kirkcaldy. The Applicant was represented by his wife Mrs Rachel Robinson. The Respondent was not present. The Tribunal proceeded in terms of Rule 29 of the Rules. Neither party made representations in advance of the hearing. Mrs Robinson informed the Tribunal that the Applicant had communicated to the Respondent in September when he asked for the rent payment for that month. She noted that the Respondent had mostly been in employment during the period of the lease and that both she and the Applicant had encouraged the Respondent to contact Housing Benefit when he was between jobs. She believes that there is no outstanding Housing Benefit or Universal Credit Housing Element issues.

Findings and reason for decision

10. A Private Rented Tenancy Agreement commenced 18th December 2018.
11. The Respondent persistently failed to pay his rent charge of £465 per month. The rent payments are due to be paid on 1st day of each month.
12. There are no outstanding Housing Benefit issues.
13. The arrears sought totalled £2860. Amounting to rent arrears

Decision

14. The Tribunal found that the Applicant was entitled to be granted an order for payment amounting to £2860.

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 Miller



Legal Member/Chair



Date