



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

Chamber Ref: FTS/HPC/CV/20/1721

Re: Property at 16 Mossend Drive, West Calder, EH55 8QG (“the Property”)

Parties:

Miss Cheryl Scott, 4 Eastcroft Court, Livingston, EH54 7ET (“the Applicant”)

Miss Lauren Travers, Mr Paul Coleman, 16 Mossend Drive, West Calder, EH55 8QG (“the Respondent”)

Tribunal Member:

David Preston (Legal Member) (“the tribunal”)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment by the respondent to the applicant of the sum of THREE THOUSAND FOUR HUNDRED AND FIFTY (£3450) should be made.

Background:

1. By application dated 4 August 2020 the applicant applied for an order for payment in respect of arrears of rent as at 3 September 2020 amounting to £1150. By email dated 12 October 2020 the applicant submitted an up-to-date rent statement showing arrears up to 8 October 2020 in the sum of £3450. Said email was copied over to the respondent by the caseworker.
2. The papers before the tribunal comprised: Tenancy Agreement dated 12 & 18 February 2020; updated rent statement to 8 October 2020 showing arrears of rent to that date of £3450.
3. By Decision dated 17 September 2020, a Convener of HPC having delegated power for the purpose, referred the application under rule 9 of the Rules to the tribunal. A letter of Intimation together with Notice of the Case Management Discussion to be held on 28 October 2020 was served on the respondents by Sheriff Officers conform to Execution of Service dated 28 September 2020.

Case Management Discussion:

4. On 28 October 2020 a CMD was convened by telephone in accordance with the provisions dealing with business during the COVID-19 pandemic. The applicant appeared and represented herself. There was no appearance by or on behalf of the respondent. The tribunal was satisfied that due notice had been given to the respondents and they had voluntarily waived their rights to be present or represented and it was content to proceed in their absence.
5. The tribunal was satisfied that notice of the CMD had been served on the respondent as detailed above.

Discussion:

6. The tribunal noted that the updated rent statement had been intimated to the respondents. An email from the respondents dated 27 October 2020 had been received late in the afternoon of the previous day which intimated that the parties were moving out of the property on 9 November 2020 and that it would be vacant from 10 November 2020. The Convener advised that although the arrears would have increased by the amount of rent chargeable for the period from today's date until the property is vacated, it was not possible to grant an order for that additional sum beyond the arrears intimated to the respondents.

Reasons for Decision:

7. Rule 17 of the Regulations states that the tribunal may do anything at a CMD which it may do at a hearing, including making a decision. The tribunal decided that, on the basis of the information presented to it, it was able to determine the application at the CMD.
8. The tribunal accepted the information in the file and as provided by the applicant and determined to issue the order for payment.

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.

D Preston

28 October 2020