

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 (Act)

Chamber Ref: FTS/HPC/CV/18/1629

Re: Property at 10/3 West Winnelstrae, Edinburgh, EH5 2ES ("the Property")

Parties:

Mr Martin Longstaff, 1Let, 20a manor Place, Edinburgh, EH3 7DS ("the Applicant")

Ms Isla Boag, 12/4 Robertson Avenue, Edinburgh, EH11 1PT ("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 Respondent pay the sum of £440 to the Applicant.

Background

This is an Application under section 16 of the Act for payment of rent arrears of £440 in respect of the tenancy of the Property.

The following documents were lodged with the Application on 28 June 2018:

- (i) Statement of Rental Arrears; and
- (ii) Email from the Respondent dated 27 October 2017 accepting that the rental arrears of £440 were due;

Case Management Discussion (CMD) and Reasons

Alan Strain

The Application called for a CMD on 10 September 2018. The parties had been advised by letter from the Tribunal dated 21 August 2018 of the CMD and that the Tribunal could determine the matter in absence if satisfied that it had sufficient information and that it was fair to do so.

The letter from the Tribunal had been served by Sheriff Officers on the Respondent on 22 August 2018.

The Applicant's representative Mr Alan Henderson appeared at the CMD. The Respondent did not appear.

The Tribunal considered the evidence before it and the overriding objective. The Tribunal was satisfied that the Respondent accepted she was in arrears of £440, had agreed a repayment plan which she had not adhered to and accordingly was still due to pay £440. The Tribunal granted an order to repay the arrears of £440. Such an order was fair in the circumstances.

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.

Alan Strain

Legal Member/Chair

10 September 2018

Date