



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/19/1988

Re: Property at 11 Thurso Gardens, Dundee, DD2 4BA (“the Property”)

Parties:

Mr William Derby, 13 Durness Terrace, Dundee, DD2 4XA (“the Applicant”)

Mr Peter Mascoll, 21 Lansdowne Square, Dundee, DD2 4BA (“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 be ordered to pay the Applicant the sum of £1,134.60.

Background

This was an application for payment in respect of alleged rent arrears and damage to the Property under section 16 of the Act and Rule 70 of the Tribunal Procedure Rules.

The Tribunal had regard to the following documents:

1. Application received 27 June 2019;
2. Short Assured Tenancy (**SAT**) commencing 27 July 2017;
3. Sheriff Officer’s Certificate of Service of CMD Notification dated 5 August 2019.

Case Management Discussion (CMD)

The case called for a conference call CMD on 9 September 2019. The Applicant was represented by Mr Webster who participated in the call on his behalf. The Respondent did not participate.

The Tribunal was satisfied from the Sheriff Officer's Certificate of Service that the Respondent had notification of the CMD and that the Tribunal could proceed in his absence and determine the matter if satisfied that it had sufficient information upon which to do so and the procedure was fair.

The Tribunal considered the documentation and made the following findings in fact:

1. The Parties entered in to an SAT commencing 27 July 2017;
2. The monthly rent was £350;
3. Rent arrears as at the date of commencement of these proceedings was £1,050;
4. The costs of repairs, cleaning and tracing less the deposit were £84.60.

The Tribunal considered that it had sufficient information to determine the matter and that the procedure had been fair.

The Tribunal granted an order for payment in the sum of £1,134.60.

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

9 September 2019

Date