

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/18/3396

Re: Property at Haugh Steading Cottage, Newbridge, Midlothian, EH28 8LA (“the Property”)

Parties:

Newliston Maintenance Trust, Newliston, Kirkliston, West Lothian, EH29 9EB (“the Applicant”)

Mr Thomas Maloney, UNKNOWN, UNKNOWN (“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 £5,000 with interest at the judicial rate be granted.

Background

This is an application for payment in respect of rent arrears arising from a Tenancy in terms of section 16 of the Act and Rule 70 of the Tribunal Procedure Rules.

The Tribunal had regard to the following documents:

1. Application received 13 December 2018;
2. SAT dated 24 November 2017;
3. Schedule of Rent Arrears as at 25 November 2018;
4. Certificate of Citation by Advertisement dated 16 April 2019.

Case Management Discussion (CMD)

A Strain

The case called for a CMD on 18 April 2019. The Applicant was represented. The Respondent was not present nor represented. The Tribunal noted that the Respondent had been cited by advertisement to attend the CMD. The Tribunal was satisfied that the Respondent had lawful notice of the proceedings and that the Tribunal could determine matters in absence if satisfied it had sufficient information and it was fair to do so.

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

1. The parties entered in to a SAT in respect of the Property dated 24 November 2017;
2. The Respondent is in arrears of rent in the sum of £5,000;
3. The Respondent had been served with notification of the CMD by advertisement and had not appeared.

The Tribunal determined that it had sufficient information upon which to make a Decision and that it was fair to do so. The Tribunal decided that the Respondent was due the Applicant the sum of £5,000 in rent and granted an order for payment in that amount.

The Applicant's representative sought interest at the judicial rate. The Tribunal decided that it was appropriate to grant interest.

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.

A Strain

Legal Member/Chair

Date

18 April 2019