



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71(1) of the Private Housing (Tenancies) (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/CV/23/0441**

**Re: Property at 9 Glebe Park, Inverkeithing, Fife, KY11 1LT (“the Property”)**

**Parties:**

**Mr Craig Dougall, 39 Sheardale Drive, Coalsnaughton, Tillicoultry, Clackmannanshire, FK136LN (“the Applicant”)**

**Mr Shea Prigent, UNKNOWN, UNKNOWN (“the Respondent”)**

**Tribunal Members:**

**Graham Harding (Legal Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant was entitled to an order for payment by the Respondent to the Applicant in the sum of £5775.00.**

**Background**

1. By application dated 8 February 2023 the Applicant applied to the Tribunal for an order for payment by the Respondent in respect of alleged rent arrears arising from the Respondent’s tenancy of the property. The Applicant submitted a rent statement and correspondence together with a copy of the tenancy agreement in support of the application.
2. Following further correspondence between the tribunal administration and the Applicant, a legal member of the Tribunal with delegated powers on 24 March 2023 accepted the application and a Case Management Discussion (“CMD”) was assigned.
3. Intimation of the CMD on the Respondent at the address provided by the Applicant was unsuccessful. The Sheriff Officer reported that the Respondent

had removed to Ireland and had refused to disclose his address. As a result, intimation of the application on the Respondent was by way of Service by Advertisement on the Housing and Property Chamber website, conform to Certificate of Advertisement dated 5 July 2023.

4. Intimation of the CMD was sent to the Applicant by email on 2 June 2023.
5. A CMD was held by teleconference on 5 July 2023. Neither party attended or was represented and the application was dismissed.
6. By email dated 23 July 2023 the Applicant submitted an application for recall of the Tribunal's decision of 5 July 2023 and explained he was unable to attend the CMD on 5 July and had been unable to obtain a signal to dial in to the Tribunal administration. In light of the Applicant's explanation for his non-attendance by its decision dated 17 August 2023 the Tribunal allowed the application for recall and a further CMD was assigned.
7. Intimation of the new CMD was provided to the Respondent by way of advertisement on the Housing and Property Chamber website, conform to Certificate of advertisement dated 16 January 2024.

### **The Case Management Discussion**

8. A CMD was held by teleconference on 16 January 2024. The Applicant attended in person. The Respondent did not attend nor was he represented. The Tribunal being satisfied that proper intimation of the CMD had been given to the Respondent by way of advertisement on the Housing and Property Chamber website determined to proceed in his absence.
9. The Applicant confirmed that the Respondent had been a tenant at the property and had accrued rent arrears of £5775.00. the Tribunal noted the correspondence from Fife Properties submitted with the application confirming the arrears.
10. The Tribunal also noted that the Applicant had submitted a copy of the Private Residential Tenancy Agreement which provided for the Respondent paying a deposit of £525.00 and queried what had happened to the deposit.
11. The Applicant explained that the deposit had been returned to the Applicant to cover damage at the property caused by the Respondent and that he was still seeking the full amount of rent arrears in the sum of £5775.00. The Applicant advised the Tribunal that the Respondent had made no payment towards the arrears.

### **Findings in Fact**

12. The parties entered into a Private Residential Tenancy agreement that commenced on 29 November 2021 at a rent of £525.00 per calendar month.

13. At the end of the tenancy the Respondent owed the Applicant rent of £5775.00 and this amount remains outstanding.

### **Reasons for Decision**

14. The Tribunal was satisfied from the documents and written representations together with the oral submissions that the parties entered into a Private Residential Tenancy agreement that commenced on 29 November 2021 at a rent of £525.00 per calendar month and that the Respondent accrued rent arrears of £5775.00. The Tribunal was also satisfied that this amount remained outstanding at the date of the CMD and that the Applicant was entitled to an order for payment in the sum of £5775.00.

### **Decision**

15. The tribunal being satisfied it had sufficient information before it to make a decision without the need for a hearing finds the Applicant entitled to an order for payment by the Respondent to the Applicant in the sum of £5775.00.

### **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.**

**Graham Harding  
Legal Member/Chair**

**16 January 2024  
Date**