



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

Chamber Ref: FTS/HPC/CV/19/0486

Re: Property at 57A Loudoun Road, Newmilns, KA16 9HJ (“the Property”)

Parties:

Mr Ricky Singh Kapoor, 50 Kingsway, Hayes, UB3 2TY (“the Applicant”)

Mr David Weir, 57A Loudoun Road, Newmilns, KA16 9HJ (“the Respondent”)

Tribunal Members:

Alison Kelly (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that and order for payment of £920 be made.

Background

The Applicant’s letting agent lodged an application on 14/2/19 under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”) seeking payment of the sum of £920 by way of rent arrears.

Lodged with the application were:

1. Private Residential Tenancy
2. Notice to Leave dated 12/11/18 terminating the tenancy at 13/12/18
3. Section 11 Notice
4. Copy Rent Statement

Case Management Discussion (“CMD”)

The Applicant was represented by Thomas Telfer of Letts Agree Sales and Lettings Ltd. The respondent did not appear and was not represented.

The Chairperson introduced herself and confirmed the purposes of a CMD in terms of the Rule 17 of the Rules. She asked Mr Telfer to address her on what he was seeking and why.

Mr Telfer said that he was seeking payment in the amount of £1617, being the current arrears of rent. He produced an up to date rent statement. The Chairperson drew his attention to the application form, and that it stated that the Applicant was seeking payment of £920. Mr Telfer said that he had emailed an amendment to the tribunal within the 7 day time limit. The Chairperson checked the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Amendment Regulations 2018. Regulation 9(2) adds a new Rule 14A to the Rules, which states that any amendment must be intimated to the other party and the First-tier Tribunal at least 14 days prior to a CMD or hearing.

The Chairperson gave Mr Telfer the option of having an order granted for £920, or continuing the CMD so that he could carry out the amendment according to the Rules. Mr Telfer chose to have an order granted for £920.

Findings In Fact

1. The parties entered in to a Private Residential Tenancy in respect of the property.
2. The rent was £230 per calendar month.
3. The Respondent paid only the first month's rent.
4. The Respondent is, at the date of lodging of the Application was in arrears in the amount of £920.

Reasons For Decision

The Respondent is in arrears of rent to at least the extent of £920.

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.

Alison Kelly

Legal Member/Chair

11/5/19

Date