



**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 (Act)**

**Chamber Ref: FTS/HPC/CV/19/0122**

**Re: Property at 5 Kilknowe Place, Galashiels, TD1 1QT (“the Property”)**

**Parties:**

**Mr Brian Warner (“the Applicant”)**

**Ms Kirsten Scott (“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 £1,100 be granted.**

**Background**

This is an application under Rule 111 and section 71(1) of the Act in respect of alleged rent arrears during the tenancy of the Property.

The Tribunal had regard to the following documents:

1. Application received 12 February 2020;
2. Private Residential Tenancy Agreement (**PRTA**) commencing 1 November 2019;
3. CMD Notification Letters to the Parties dated 11 June 2020.

**Case Management Discussion (CMD)**

The case called for a CMD by conference call on 17 July 2020. The Applicant participated and represented himself. The Respondent did not participate and was not represented. The Tribunal noted that the Respondents had notification of the

CMD served by letter from the Tribunal Administration on 11 June 2020 served by Royal Mail.

The Tribunal were satisfied that the Respondent had received notification of the Case Management Discussion and that the Tribunal could determine the matter if it considered it had sufficient information to do so and the procedure was fair. The notification also advised the Respondent that she must attend and the Tribunal could determine the matter in absence if she did not.

The Applicant confirmed that the sum of £1,100 remained outstanding due to return of the deposit.

The Tribunal then considered the documentary evidence it had received from the Applicant and in so far as material made the following findings in fact:

4. The Parties let the subjects under a PRTA commencing 1 November 2019;
5. CMD Notification Letters were issued to the Parties on 11 June 2020.
1. The monthly rent under the PRTA was £550;
2. As at the date of the application the sum of £1,650 was outstanding in respect of rental arrears;
3. The Applicant had received the deposit from the Respondent and applied that towards rent arrears meaning that the sum of £1,100 was due at the date of the CMD.

## **Decision**

The Tribunal was satisfied that it had sufficient information to determine the matter at this stage and the procedure was fair. The Respondent had contracted to pay the monthly rent at £550 and had failed to do so. The sum of £1,100 was outstanding.

The Tribunal granted the order for payment.

## **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

**17 July 2020**

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**Legal Member/Chair**

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**Date**