



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/19/1669

Re: Property at 2 Cameron Terrace, Edinburgh, EH16 5LD (“the Property”)

Parties:

Middlerig Properties, 12 Merchiston Gardens, Edinburgh, EH10 5DD (“the Applicant”)

Mr Blair Davidson, UNKNOWN, UNKNOWN (“the Respondent”)

Tribunal Members:

Alan Strain (Legal Member)

Decision (in absence of the Respondent)

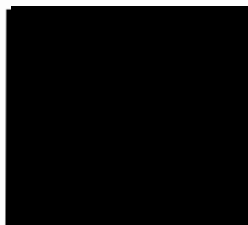
The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Respondent pay the sum of (£5,700.01) to the Applicant.

Background

This is an application under section 71(1) of the Act and Rule 111 of the Tribunal Procedure Rules for payment in respect of rent arrears and share of common bills.

The Tribunal had regard to the following documents:

1. Application received 31 May 2019;
2. Private Residential Tenancy Agreement (PRTA) commencing 30 March 2018;
3. Schedule of Rental Arrears and share of bills at cessation of tenancy on 25 May 2019;
4. Certificate of Service by Advertisement dated 21 November 2019.



Case Management Discussion (CMD)

The case called for a CMD on 21 November 2019. The Applicant was not present but was represented. The Respondent did not appear and was not represented.

The Tribunal was satisfied that the Respondent had service of the notification of the CMD by certificate of service by advertisement dated 21 November 2019. The Respondent accordingly had notification that the CMD could proceed in his absence and the Tribunal could, if satisfied that it had sufficient information to do so and that the procedure was fair, determine the matter at the CMD.

The Applicant sought a late payment fee in addition to the rent arrears and share of bills. The PRTA did not contain a contractual provision enabling the Applicant to charge for late payment. The Tribunal declined to make any award in respect of rent payment fees.

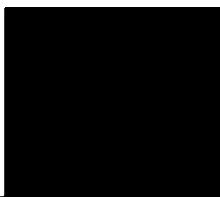
The Tribunal considered the documentation and made the following findings in fact:

1. The Parties entered in to the PRTA commencing 30 March 2018;
2. The monthly rent was £460;
3. The Respondent was liable to pay his share of Council Tax and Utility Bills in accordance with the PRTA;
4. As at the date of cessation of the PRTA the rental arrears and share of bills outstanding were £5,700.01;

The Tribunal was satisfied that it had sufficient information to make a decision and that the procedure was fair. The Tribunal determine that the Respondent was due to pay the sum of in respect of rental arrears and granted an order accordingly.

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.



Legal Member/Chair

21 November 2019

Date