



Decision 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/19/2639

Re: Property at 15 McCallum Court, Armadale, EH48 3QU (“the Property”)

Parties:

Castlebrae Sales and Lettings LTD, 7 Hopetoun Lane, Bathgate, EH48 1PP (“the Applicant”)

Miss Nicole Louise Thomson, 109 West Main Street, Armadale, EH48 3JA (“the Respondent”)

Tribunal Members:

Eleanor Mannion (Legal Member)

Decision in absence of the Respondent

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application for civil proceedings in relation to a private residential tenancy be granted and made an order for payment in the sum of £1,275.

1. A case management discussion took place on the 14th November 2019 in respect of the application made by the Applicant for civil proceedings in relation to a private residential tenancy. The Applicant was represented by Ms Jody McAdam and Ms Fiona Nicholson. The Respondent was not in attendance. Additional time was given at the outset of the hearing to allow the Respondent to attend.
2. Ms McAdam confirmed that the Applicant was seeking an order in the sum of £1,275 representing rent arrears from December 2018, January and February 2019. She submitted that rent was not paid for these three months. On the 1st March 2019, the Respondent phoned the Applicant organisation and proceeded to make a rental payment for the overdue amount by card over the phone. On or around the 21st May 2019, the Applicant was advised by Police Scotland and Barclays Bank that the card transaction was reported as fraudulent and so the funds would be recalled.

3. Emails as between the Applicant and Police Scotland in respect of this communication were provided to the Tribunal as part of the Application.
4. The Applicant was advised that Police Scotland were investigating the Respondent on the possibility that she had engaged in fraud and the Tribunal was advised that the Respondent was charged with an offence in that regard.
5. The Respondent is no longer living in the Property and the tenancy came to an end in or around 14 August 2019.
6. Having considered the paperwork which formed part of the application and on foot of the submissions made on behalf of the Applicant, noting that a response was not provided by the Respondent, the Tribunal granted the application and made an order in respect of sum of £1,275.

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.

Since an appeal is only able to be made on a point of law, a party who intends to appeal the tribunal's decision may wish to request a Statement of Reasons for the decision to enable them to identify the point of law on which they wish to appeal. A party may make a request of the First-tier Tribunal for Scotland (Housing and Property Chamber) to provide written reasons for their decision within 14 days of the date of issue of this decision.

Where a Statement of Reasons is provided by the tribunal after such a request, the 30 day period for receipt of an application for permission to appeal begins on the date the Statement of Reasons is sent to them.

Eleanor Mannion

14/11/19

Legal Member/Chair

Date