



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

Chamber Ref: FTS/HPC/CV/19/3543

Re: Property at Wester Dalnabreck, Ballintuim, Blairgowrie, PH10 7PY (“the Property”)

Parties:

Pitcarmick Estate Trust, PO Box 55, Dundee, DD1 9JJ (“the Applicant”)

Ms Barbara Macdonald, Unknown, Unknown (“the Respondent”)

Tribunal Members:

Gabrielle Miller (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant is entitled to an order for payment amounting to £4740.

Background

1. An application was received on 5th November 2019 and signed 4th November 2019. The application was submitted under Rule 111 of The First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on the Respondent not maintaining rent payments.
2. The Tribunal had before it:-
 - a. Copy Scottish Government Model Private Residential Tenancy Agreement with commencement of tenancy being 13th June 2019;
 - b. Sasine search for deeds Perth4736; and
 - c. Notice of Acceptance of Application was signed on 14th November 2019.

3. On 224th December 2019, all parties were written to with the date for the Case Management Discussion ("CMD") of 31st January 2019 at 10am at Inveralmond Business Centre, Auld Bond Road, Perth.
4. On 24th December 2019, the Respondent was served Notice by Advertisement. This was shown on the Housing and Property Chamber website until 29th January 2020.

The Case Management Discussion

5. A CMD was held on 31st January 2020 at 10am at Inveralmond Business Centre, Auld Bond Road, Perth. The Applicant was represented by Ms Sarah Cooper, solicitor, from Thorntons WS solicitors. The Respondent was not present. The Tribunal proceeded in terms of Rule 29 of the Rules. The Respondent did not make representations in advance of the hearing. Ms Cooper informed the Tribunal that the Respondent left the Property in early December 2019. The exact date is not known. The Respondent did not give the Applicant a deposit. There has also be significant damage to the Property albeit not a matter for the Tribunal in this case.

Findings and reason for decision

6. A Private Rented Tenancy Agreement commenced 13th June 2019.
7. The Respondent persistently failed to pay her rent charge of £900 per month. The rent payments are due to be paid on 1st day of each month.
8. The Respondent failed to make the payment due for 13th June 2019 to 30th June 2019 that amounted to £540.
9. The Respondent made a payment of £1200 on 26th August 2019 bringing the balance outstanding to £4740.
10. The arrears sought totalled £4740. Amounting to rent arrears

Decision

11. The Tribunal found that the Applicant was entitled to be granted an order for payment amounting to £4740.

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.

Gabrielle Miller

31 January 2020

Legal Member/Chair

Date