



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/19/2956

Re: Property at 10 (PF4) Wardlaw Street, Edinburgh, EH11 1TS (“the Property”)

Parties:

Mr Derek Russell, Mrs Katie Russell, C/o DJ Alexander Lettings Ltd, 1 Wemyss Place, Edinburgh, EH3 6DH (“the Applicant”)

Miss Chantelle Brown, Mr Christopher Derwin, 10 (PF4) Wardlaw Street, Edinburgh, EH11 1TS (“the Respondents”)

Tribunal Members:

Alan Strain (Legal Member)

Decision (in absence of the First Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Respondents be ordered to pay the sum of £3,326.63 to the Applicant.

Background

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

The Tribunal had regard to the following documents:

1. Application received 20 September 2019;
2. Private Residential Tenancy Agreement (PRTA) commencing 22 April 2019;
3. Schedule of Rent Arrears as at 7 December 2019;
4. Sheriff Officer Certificate of Service of CMD Notification dated 23 October 2019.

Case Management Discussion (CMD)

A Strain

The case called for a CMD on 22 November 2019. The Applicant was not present but was represented. The Second Respondent appeared and represented himself. The First Respondent did not appear and was not represented.

The Tribunal was satisfied that the First Respondent had notification of the CMD from the Sheriff Officer's Certificate of Service. The First Respondent was aware that the Tribunal could proceed in her absence and, if satisfied that it had sufficient information to do so and the procedure was fair, the Tribunal could determine the matter.

The Second Respondent agreed the amount of the arrears at £3,326.63.

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

1. The Parties entered in to a PRTA in respect of the Property commencing 22 April 2019;
2. The monthly rent was £735;
3. The Respondents were in arrears of rent in the sum of £3,326.63 as at 7 December 2019.

The Tribunal was satisfied that it had sufficient information to determine the matter and the procedure was fair.

The Tribunal explained to the Second Respondent that he could make a time to pay application. He did not do so at this time but took away an application form.

The Tribunal considered matters and as the arrears were agreed it granted the order for payment sought.

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.

A Strain

22 November 2019

Legal Member/Chair

Date