



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the Housing (Scotland) Act 2014

Chamber Ref: FTS/HPC/CV/19/1360

Re: Property at 25 Unity Terrace, Perth, PH1 2BW (“the Property”)

Parties:

Mrs Mona Shah, C/O 45 King Street, Perth, PH2 8JB (“the Applicant”)

Mrs Stacey Wilson, whose whereabouts are unknown (“the Respondent”)

Tribunal Members:

Ewan 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 should be granted a payment order against the Respondent in the sum of TWO THOUSAND THREE HUNDRED AND SEVENTY FIVE (£2375) POUNDS STERLING

Background

The Applicant is the owner of the Property. The Applicant had let the Property to the Respondent under a Short Assured Tenancy commencing 1 March 2014. The Applicant alleged that the Respondent had ceased to make full payments of the rent around January 2019 and accordingly they applied to the Tribunal seeking a payment order for the arrears.

The Tribunal had before it the following information:-

- The Applicant’s application to the Tribunal dated 6 May 2019
- A copy of the Applicant’s Land Certificate
- A copy of the Short Assured Tenancy commencing 1 March 2014
- A rental statement showing arrears of £2375
- Certificate of Confirmation of Service by Sheriff Officers dated 30 May 2019
- Certificate of Service by Advertisement dated 22 August 2019

Case Management Discussion ("CMD")

The Tribunal held a CMD at Inveralmond Business Centre, Auld Bond Road, Perth, PH1 3FX at 11.30am on 22 August 2019. The Applicant was not present but was represented by Murray Hall and Hannah Ireland of Premier Properties, Perth.

The Respondent was neither present nor represented. The case papers had originally been served by Sheriff Officer on the Respondent on 30 May 2019. The papers advised the Respondent that her attendance was required at a CMD originally scheduled for 28 June 2019 and that if she failed to appear a decision could be made in her absence. The Respondent had, subsequent to this, removed from the Property. The amended date for the CMD of 22 August 2019 had been served on the Respondent by way of Advertisement on the Tribunal website between 17 July 2019 and 22 August 2019.

The Tribunal was satisfied that the Respondent had been properly served and notified of the case against her and of the date of the CMD of 22 August 2019. On that basis the Tribunal was content it was appropriate to proceed in the absence of the Respondent and to make a decision.

Findings in Fact

The Tribunal found the following facts to be established:-

- The Applicant was the owner of the Property
- The Applicant had let the Property to the Respondent with effect from 1 March 2014 by way of a Short Assured Tenancy
- On or around 1 January 2019 the Respondent had ceased to pay rent in full under the lease as required by her
- As at 31 May 2019 there were rent arrears of 31 May 2019 due by the Respondent to the Applicant

Reasons for the Decision

The Tribunal noted the terms of the lease which created the obligation on the Respondent to pay the monthly rental to the Applicant. The monthly rental in 2019 was £715. The rental statement provided by the Applicant showed rental ceasing to be paid in full from January and arrears of £2375 accumulating over 5 months. The Tribunal had no reason to doubt the evidence before it. The Respondent had not put forward any evidence to the contrary and therefore, on the balance of probability, the Tribunal was satisfied that arrears of £2375 were due and that a payment order against the Respondent in favour of the Applicant should be granted.

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.

Ewan Miller

Legal Member

Date

22/8/19