

Housing and Property Chamber
First-tier Tribunal for Scotland



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

Chamber Ref: FTS/HPC/CV/18/1815

Re: Property at 33 Millside Terrace, Peterculter, Aberdeenshire, AB14 0WB (“the Property”)

Parties:

Mr Callum Lunn, 3 Coronation Street, Wick, Caithness, KW1 5LS (“the Applicant”)

Mr Paul Massie, 6 Eldenside, Peterculter, AB14 0XE (“the Respondent”)

Tribunal Members:

David Preston (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the respondent pays to the applicant the sum of One thousand Five hundred and Fifty-Four Pounds (£554.45) in arrears of rent under the tenancy agreement between the parties.

<INSERT DETAILS>

Background

1. By application dated 15 July 2018 the applicant sought payment of arrears of rent from the respondent arising from the Tenancy Agreement between the parties dated 9 February 2017.
2. A Case Management Discussion (CMD) was held on 18 October 2018 at which Ms neither the applicant nor the respondent was present. The applicant had contacted the tribunal to advise that he was unable to attend. The tribunal postponed the CMD until today to be held as a tele-conference.

The Case Management Discussion

3. At the appointed time the applicant called the tele-conference. The respondent did not appear or call and had not done so after a five-minute delay. The tribunal considered that the respondent had been duly notified of the CMD and determined that he had voluntarily waived his right to be present or represented and was content to proceed in the absence of the respondent or any representations from him.
4. The applicant confirmed that the respondent had vacated the property on 20 March 2018 and that the sum sought represented the arrears of rent accrued until that time in accordance with the rent statement produced by him.

Findings in Fact

4. The tenancy between the parties was constituted by by tenancy agreement dated 9 February 2017.
5. Rent arrears amounting to ££2123.29 had accrued until the respondents vacated the property on 1 December 2018.
6. The respondent had received all relevant paperwork which was in order.

Reasons for Decision

7. Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 states that the tribunal may do anything at a CMD which it may do at a hearing, including making a decision. The tribunal decided that, on the basis of the information presented to it, to determine the application at the CMD.
8. The tribunal is satisfied that as at the date of the CMD arrears of rent amounting to £1554.45 remained outstanding.

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.

David Preston

Chairman

6 December 2018