



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 (Act)

Chamber Ref: FTS/HPC/CV/20/1275

Re: Property at 11/23 Sailmaker Road, Edinburgh, EH6 7JR (“the Property”)

Parties:

Leith Links NHT 2011 LLP, 19 West Tollcross, Edinburgh, EH3 9QN (“the Applicant”)

Miss Louise Watt, 11/23 Sailmaker Road, Edinburgh, EH6 7JR (“the Respondent”)

Tribunal Members:

Alan Strain (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the order for payment should be granted in the sum of £1,975.18.

Background

This is an application under Rule 70 and section 16 of the Act in respect of alleged rent arrears due by the Respondent.

1. Application received 28 May 2020;
2. SAT commencing 30 April 2015;
3. Sheriff Officer Certificate of service of CMD Notification dated 29 July 2020;
4. Schedule of rent arrears;
5. Letter Notifying Respondent of CMD date by Recorded Delivery dated 29 October 2020.

Case Management Discussion (CMD)

The case called for a CMD by conference call on 8 February 2021. The Applicant did not participate but was represented by its solicitor. The Respondent did not participate and was not represented.

The Tribunal delayed the start of the CMD to see if the Respondent would participate. The Respondent did not.

The Tribunal were satisfied that the Respondent had received notification of the Case Management Discussion and that the Tribunal could determine the matter if it considered it had sufficient information to do so and the procedure was fair. The notification also advised the Respondent that she should attend and the Tribunal could determine the matter in absence if she did not.

The Applicants' agent advised that the arrears as at the date of the CMD were £1,975.18.

The Tribunal then considered the documentary evidence it had received from the Applicants and in so far as material made the following findings in fact:

1. The Parties let the subjects under an SAT commencing 30 April 2015;
2. The monthly rent was £708.36;
3. As at the date of the CMD the amount of rent in arrears was £1,975.18.

The Tribunal considered that it had sufficient information upon which to make a Decision and that the procedure was fair. The Tribunal was satisfied that the rent arrears had been established and accordingly granted the application for an order for payment in the sum of £1,975.18.

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.

8 February 2021

Legal Member/Chair

Date