



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/22/0481

Re: Property at 25 Crewe Terrace, Edinburgh, EH5 2JX (“the Property”)

Parties:

Mrs Catherine McNamara, 27 Lauriston Street, Edinburgh, EH3 9DQ (“the Applicant”)

Mr Oscar Estelles, 25 Crewe Terrace, Edinburgh, EH5 2JX (“the Respondent”)

Tribunal Members:

Andrew Upton (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Respondent is liable to make payment to the Applicant in the sum of EIGHT HUNDRED AND SEVENTY POUNDS (£870.00) STERLING

STATEMENT OF REASONS

1. This Application called for its Case Management Discussion by teleconference call on 16 May 2022. The Applicant was represented by Ms Diane McDougall. The Respondent was neither present nor represented on the call.
2. In this Application, the Applicant contends that she is owed rent arrears by the Respondent. The Application was made on 8 February 2022, at which time the Applicant contended that the arrears owed amounted to £1,346. At the CMD, Ms McDougall confirmed that the Applicant had received a substantial payment from Universal Credit to cover part of the arrears period. Accordingly, the sum owed had reduced to £870. Ms McDougall invited the Tribunal to make a payment order in that sum.

3. In terms of Rule 17(4) of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”), the Tribunal may do anything at a CMD that it may do at a Hearing, including make a decision. In terms of Rule 2, the Tribunal is required to have regard to the overriding objective to deal with proceedings justly when making a decision; including the need to avoid unnecessary delay.
4. The Respondent has received service of the Application and notification of the CMD. He has chosen not to attend the CMD to put any of the allegations made in the Application in dispute. For that reason, the Tribunal is satisfied that the allegations made by the Applicant are not in dispute.
5. It follows that the Tribunal is satisfied that the Respondent is liable to make payment to the Applicant in the sum of £870, being the rent arrears owed by the Respondent to the Applicant for the period up to 8 February 2022 when the Application was made. The Tribunal granted a payment order in that sum.

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 Upton

16th May 2022

Legal Member/Chair

Date