



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/20/1160

Re: Property at 23 Barward Road, Galston, KA4 8BX (“the Property”)

Parties:

Mr James Hendrie, Purroch Farm, Hurlford, KA1 5JJ (“the Applicant”)

Mr William Shaw, 23 Barward Road, Galston, KA4 8BX (“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 be granted in the sum of £1,880.00.

Background

This is an application under Rule 111 and section 71(1) of the Act in respect of alleged rent arrears during the tenancy of the Property.

The Tribunal had regard to the following documents:

1. Application received 11 May 2020;
2. Private Residential Tenancy Agreement (**PRTA**) commencing 14 June 2019;
3. Sheriff Officer Certificate of Service of Tribunal CMD Notification on Respondent dated 30 July 2020;
4. Written Representations from Applicant’s Representatives dated 19 August 2020 with updated Rent Statement.

Case Management Discussion (CMD)

The case called for a CMD by conference call on 21 August 2020. The Applicant did not participate but was represented. 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 he should attend and the Tribunal could determine the matter in absence if he did not.

The Tribunal had regard to the documentation lodged in support of the application.

Having considered the documentation, the Tribunal made the following findings in fact:

1. The Parties let the subjects under a PRTA commencing 14 June 2019;
2. The monthly rent was £420.00;
3. The Respondent was £1,880.00 in arrears of rent as at the date of the application;
4. No payment towards the arrears of rent had been made.

The Tribunal considered that it had sufficient information to determine the matter at this stage and the procedure was fair.

The Tribunal was satisfied that the arrears had been established and accordingly granted the application for payment in the sum of £1,880.00.

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.

Alan Strain

21 August 2020

Legal Member/Chair

Date