



Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71(1) of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/22/2434

Re: Property at 20 Rosebank, Sauchie, FK10 3NP (“the Property”)

Parties:

Mrs Veryan Farr, 2 Braemar Grove, Dunblane, FK15 9EF (“the Applicant”)

Ms Kimberley Brown, 27 MANSFIELD AVENUE, SAUCHIE, ALLOA, CLACKMANNANSHIRE, FK10 3LG (“the Respondent”)

Tribunal Members:

Graham Harding (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant was entitled to an order for payment by the Respondent in the sum of £1545.01.

Background

1. By application dated 21 July 2022 the Applicant’s representatives, Northwood Central Lowlands Ltd, applied to the Tribunal for an order for payment in respect of alleged rent arrears arising from the Respondent’s tenancy of the property. The Applicant’s representatives submitted a copy of the tenancy agreement together with a rent statement and correspondence with the Respondent in support of the application.
2. By Notice of Acceptance dated 15 September 2022 a legal member of the Tribunal with delegated powers accepted the application and a Case Management Discussion (“CMD”) was assigned.

3. Intimation of the CMD was served on the Respondent by Sheriff Officers on 7 October 2022.
4. By email dated 10 October 2022 the applicant's representatives sought to increase the sum claimed to £1980.01.
5. A CMD was held by teleconference on 17 November 2022. As there was some doubt that the Respondent had been properly served with the case papers the CMD was continued to a further CMD for intimation.
6. A further CMD was held by teleconference on 21 March 2023. Neither party attended or were represented. The applicant contacted the Tribunal administration shortly after the case had been adjourned to confirm she still wished to proceed with the application and a further CMD was assigned. Intimation of the adjourned CMD was sent to the Respondent by recorded delivery post.

The Case Management Discussion

7. A CMD was held by teleconference on 31 May 2023. The Applicant was represented by Mrs Anne Johnstone from the Applicant's representatives. The Respondent did not attend nor was she represented. The Tribunal being satisfied that proper intimation had been given to the Respondent determined to proceed in her absence.
8. The Tribunal noted that the Respondent's deposit of £435.00 had been repaid to the Applicant and credited towards the outstanding rent. Mrs Johnstone said that she was now seeking an order for payment in the sum of £1545.01.

Findings in Fact

9. The parties entered into a Private Residential Tenancy that commenced on 8 March 2019 at a rent of £435.00 per calendar month.
10. After crediting the Respondent's deposit towards rent arrears the Respondent is owe the Applicant £1545.01.

Reasons for Decision

11. The Tribunal was satisfied from the documents produced and the oral submissions that the parties had entered into a private residential tenancy at a rent of £465.00 per calendar month and that the Respondent had accrued rent arrears amounting to £1545.01. The Respondent had not submitted any written representations nor had she attended the CMD. The Applicant was therefore entitled to the order sought.

Decision

12. The Tribunal being satisfied that it has sufficient information before it to make a decision without the need for a hearing finds the Applicant entitled to an order for payment by the Respondent in the sum of £1545.01.

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.

Since an appeal is only able to be made on a point of law, a party who intends to appeal the tribunal's decision may wish to request a Statement of Reasons for the decision to enable them to identify the point of law on which they wish to appeal. A party may make a request of the First-tier Tribunal for Scotland (Housing and Property Chamber) to provide written reasons for their decision within 14 days of the date of issue of this decision.

Where a Statement of Reasons is provided by the tribunal after such a request, the 30 day period for receipt of an application for permission to appeal begins on the date the Statement of Reasons is sent to them.

Graham Harding

Legal Member

31 May 2023

Date