



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

Chamber Ref: FTS/HPC/CV/19/3177

Re: Property at 3 Jura Street, Perth, PH1 3AR (“the Property”)

Parties:

Miss Dianne Stewart, 98 Crammond Place, North Muirton, Perth, PH1 3BW (“the Applicant”)

Mr Aaron Fleming, 3 Jura Street, Perth, PH1 3AR (“the Respondent”)

Tribunal Members:

Gabrielle Miller (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant is entitled to an order for payment amounting to £2000.

1. An application was received by the Housing and Property Chamber which was signed 3rd October 2019. The application was submitted under Rule 111 of The First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on the Respondent not maintaining rent payments.
2. The Tribunal had before it:-
 - a. Copy Scottish Private Residential Tenancy Agreement with commencement of tenancy being 3rd April 2019;
 - b. Rent statement from 3rd April 2019 to 1st January 2020. This detailed the rent of £500 per month and arrears of £2000;
 - c. Title deeds PTH16585; and
 - d. Notice of Acceptance of Application was signed on 5th December 2019.

3. On 15th November 2019, all parties were written to with the date for the Case Management Discussion ("CMD") of 17th December 2019 at 2pm at Inveralmond Business Centre, Auld Bond Road, Perth. The letter also requested all written representations be submitted by 6th December 2019.
4. On 18th November 2019, sheriff officers served the letter with notice of the hearing date and documentation upon both of the Respondent by letterbox service.
5. A CMD was held on 17th December 2020. The Tribunal noted that the application had not specified the exact amount due by the Respondent. The CMD was adjourned to 31st January 2020 to allow the Applicant to specify the amount of arrears sought; to intimate the amount sought upon the Respondent; and to lodge and up to date rent account.
6. The Respondent was notified of the new CMD date by email on 31st January 2019.

The Case Management Discussion

7. A CMD was held on 21st January 2020 at 2pm at Inveralmond Business Centre, Auld Bond Road, Perth. The Applicant was represented by Ms Bernadette O'Conner and Ms Kerry Burgess from Simple Approach Lettings. The Respondent was not present. The Tribunal proceeded in terms of Rule 29 of the Rules. The Respondent did not make representations in advance of the hearing. The Applicants submitted the up to date rent statement by email on 7th January 2020. The Tribunal was informed that the Respondent has contacted the Applicant's letting agent by text on 12th January 2020 informing them that he intended to pay £2500. However, there has been no contact since and this money has not been forthcoming. Ms Burgess informed that Tribunal that when his number is called he does not answer the phone. The Tribunal was informed that there are no outstanding Housing Benefit issues as far as they are aware.

Findings and reason for decision

8. A Private Rented Tenancy Agreement commenced 3rd April 2019.
9. The Respondent persistently failed to pay her rent charge of £500 per month. The rent payments are due to be paid on 1st day of each month.
10. There are now no outstanding Housing Benefit issues.
11. The arrears sought totalled £2000. Amounting to rent arrears

Decision

12. The Tribunal found that the Applicant was entitled to be granted an order for payment amounting to £2000.

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.

Gabrielle Miller

Legal Member/Chair

Date

31 JAN 2020