

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

Chamber Ref: FTS/HPC/CV/21/1139

Re: Property at 37/6 South Vennel, Lanark, ML11 7JT (“the Property”)

Parties:

Mr Georg Kroker, 17 South Vennel, Lanark, ML11 7JT (“the Applicant”)

Ms Shannon Moody, 19 Kildare Drive, Lanark, ML11 7AQ (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that:

Background

The Applicant seeks a Payment Order in the sum of £800.00 against the Respondent for rent arrears said to have been accrued by the Respondent in respect of her tenancy of the Property. The Application is accompanied by a rent statement and also extensive email correspondence between the parties regarding the rent arrears.

The Case Management Discussion

The Application called as a Case Management Discussion by conference call at 10 am on 26 July 2021. The Applicant was personally present on the call. There was no appearance

by or on behalf of the Respondent. Sheriff Officers had served intimation of the Tribunal on the Respondent together with information about how to join the conference call on 24 June 2021. The Sheriff Officers had also confirmed that had reason to believe that the Respondent resided at the address noted of 19 Kildare Drive, Lanark. The Tribunal therefor decided to proceed in the absence of the Respondent.

Having heard from the Applicant and considered the documentation supplied, the Tribunal made the following findings in fact.

Findings in Fact

- I. The parties entered into a tenancy agreement in respect of the Property which commenced on 19 November 2019;*
- II. The Applicant was the landlord and the Respondent was the tenant;*
- III. The monthly rent due under the tenancy was £500.00;*
- IV. The Respondent fell into rent arrears;*
- V. The sum of £800.00 is lawfully due to the Applicant by the Respondent but remains unpaid;*

Reasons for Decision

Having made the above findings in fact, the Tribunal grants the Application and makes a Payment Order in the sum of £800.00 against the Respondent. Interest will run on that sum at the rate of three per cent per year from today's date until payment.

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.

26th July 2021

Legal Member/Chair

Date