



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 111 of the Private Housing (Tenancies) Act 2016

Chamber Ref: FTS/HPC/CV/21/2549

Re: Property at 44 Brandon Place, Bellshill, North Lanarkshire, ML4 2UU (“the Property”)

Parties:

Mrs Pauline Gillies, 132 St John's Road, Edinburgh, EH12 8AX (“the applicant”)

Mr David McFadyen, 44 Brandon Place, Bellshill, North Lanarkshire, ML4 2UU (“the respondent”)

Tribunal Member:

David Preston (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 by the respondent in the sum of EIGHT HUNDRED AND FORTY FIVE POUNDS (£845).

Background:

1. By application dated 18 October 2021 under Rule 111 of the First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 the applicant applied to the Tribunal for an order for payment in respect of arrears of rent.
2. The application was accompanied by: Private Residential Tenancy Agreement dated 6 August 2020; Rent Statement covering the period 6 August 2020 to 6 October 2021.
3. By Decision dated 10 November 2021 a Legal Member of HPC having delegated power for the purpose, referred the application under Rule 9 of the Regulations to the tribunal. A letter of Intimation with Notice of the Case Management Discussion

("CMD") together with the application and case papers was served on the respondent by Sheriff Officers on 19 November 2021, conform to Certificate of Service by Sheriff Officer of that date.

Case Management Discussion

4. The CMD was convened at 1400 on 21 December 2021 by telephone. Mr Paul Clark, Aquila Management Services Ltd attended the CMD on behalf of the applicants. The respondent neither appeared nor was represented. The tribunal delayed the start of the CMD until 1405 by which time the respondent had failed to join the call.
5. Notice of the CMD had been served on the respondent by Sheriff Officers on 19 November 2021 as narrated above. The tribunal was satisfied that due notice had been given to the respondent to which he had failed to respond.
6. Mr Clark advised that the arrears of rent remained at £845. Monthly rental payments are being made but nothing has been paid towards the arrears. He advised that his client was seeking an Order for Payment in that sum.
7. The tribunal noted that the Private Residential Tenancy Agreement had commenced on 6 March 2020 and that the rent payable was £325 per month. The Rent Statement showed that arrears had accrued to £845 as at 6 October 2021.

Reasons for Decision:

8. Rule 17 of the Regulations states that the tribunal may do anything at a CMD which it may do at a hearing, including making a decision. The tribunal decided that, on the basis of the information presented to it, it was able to determine the application at the CMD.
9. The tribunal accepted the information in the file and as provided by Mr Clark and determined to issue the order for payment as requested.

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.

David Preston

21 December 2021
