



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

Chamber Ref: FTS/HPC/CV/21/3129

Re: Property at 71 2/2 Causeyside St, Paisley, PA1 1YT (“the Property”)

Parties:

Mr Charlie Caldwell, 25 Alloway Grove, Paisley, PA2 7DQ, Castle Residential 63 Causeyside Street, Paisley PA1 1YT (“the Applicant”)

Mr Alan Wright, 33 Kenley Road 0/2, Glasgow, Renfrew, PA4 8BF (“the Respondent”)

Tribunal Member:

David Preston (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment by the respondent to the applicant of the sum of FIVE THOUSAND SIX HUNDRED AND NINETY TWO POUNDS 56 pence (£5692.56) should be made.

Background:

1. By application dated 17 December 2021 the applicant applied for an order for payment in respect of arrears of rent amounting to £5692.56 arising from a Private Residential Tenancy Agreement between the parties dated 15 May 2020.
2. The papers before the tribunal comprised: Private Residential Tenancy Agreement dated 15 May 2020; rent ledger for the period 15 May 2020 to 1 January 2022.
3. By Notice of Acceptance dated 4 February 2022 a legal member of the tribunal with delegated power so to do accepted the application on behalf of the President and referred the same to a Case Management Discussion (“CMD”). A Letter of Intimation with Notice of the CMD together with the application case papers was

served on the respondent by Sheriff Officers on 1 March 2020 conform to Certificate of Intimation of that date.

4. On 13 April 2022 the CMD was convened by telephone. In attendance were: Ms Jacqueline McClelland and Mr Darrell Harper of Castle Residential, representing the applicant. The respondent neither appeared nor was represented. The tribunal delayed the start of the CMD until 14:05 by which time the respondent had failed to join the call.

CMD

5. The tribunal noted the paperwork and Ms McClelland confirmed that the applicant was looking for an order in the sum of £5692.56 as detailed in the account ledger. There had been no further payment towards the rent.
6. The tribunal was satisfied that in terms of the rent ledger the unpaid rent amounted to the sum sought in the application. The paperwork was in order and that Notice of the CMD and application had been given to the respondent who had voluntarily elected neither to be present nor represented at the CMD and had made no representations in response to the application.

Reasons for Decision

7. Rule 17 of the Regulations states that the tribunal may do anything at a CMD which it may do at 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.
8. The tribunal accepted the information contained in the file and as provided by Ms McClelland and determined to issue the Order for 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.



13 April 2022