



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) in terms of Rule 17 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”) In respect of an application under Section 16 of the Housing (Scotland) Act 2014 (“the Act”) and Rule 70 of the Rules

Chamber Ref: FTS/HPC/CV/22/1763

Re: Property at 105C Cockles Loan, Renfrew, PA4 0NJ (“the Property”)

Parties:

Mrs Linda McKechnie, 38 Tirry Avenue, Renfrew, PA4 0YF (“the Applicant”) per her agents, Belvoir!, 8, Silk Street, Paisley, PA1 1HG (“the Applicant’s Agents”)

Miss Leona McNeill, 105C Cockles Loan, Renfrew, PA4 0NJ (“the Respondent”)

Tribunal Members:

Karen Moore (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an Order for payment in the sum of TWO THOUSAND EIGHT HUNDRED AND SIXTY FIVE POUNDS (£2,865.00) Sterling

Background

1. By application received on 8 June 2022 (“the Application”), the Applicant’s Agents applied to the Tribunal for an Order for payment of rent arrears of £2,865.00 arising from a tenancy between the Parties. The Application comprised a statement of rent amounting to £2,865.00 due and owing. The Application was accepted by the Tribunal and a Case Management Discussion (the “CMD”) was fixed for 1 September 2022 at 14.00 by telephone conference. The CMD was intimated to the Parties, intimation to the Respondent being by service by Sheriff Officer.

CMD

2. The CMD took place on 1 September 2022 at 14.00. The Applicant did not take part and was represented by Ms. McMillan of the Applicant’s Agents. The Respondent did not take part and was not represented. She did not submit any written representations.

3. Ms. McMillan confirmed the sum sought and advised that the Respondent appeared to have vacated the Property and had made no payments toward the rent due.

Findings in Fact

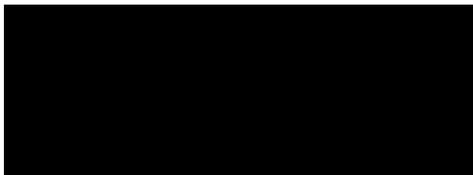
4. From the Application and the CMD, the Tribunal made the following findings in fact: -
 - i) There is a tenancy of the Property between the Parties at a monthly rent of £395.00;
 - ii) The Respondent no longer occupies the Property and
 - iii) Rent amounting to £2,865.00 is outstanding and due and owing by the Respondent to the Applicant to August 2022.

Decision

5. Having made those findings, the Tribunal had regard to Rule 17(4) of the Rules which states that the Tribunal “may do anything at a case management discussionincluding making a decision” and so proceeded to make an order for payment in the sum of £2,865.00

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.



Legal Member/Chair

Date: 01 September 2022