

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

Chamber Ref: FTS/HPC/CV/22/3412

Re: Property at Flat F 22 Inchinnan Road, Paisley, PA3 2RA (“the Property”)

Parties:

Lew Cheng Chuan, Property Bureau, Melville House, 70 Drymen Road, Bearsden, Glasgow, G61 2RH (“the Applicant”)

Mr Charles McAree, Flat F, 22 Inchinnan Road, Paisley, PA3 2RA (“the Respondent”)

Tribunal Members:

Karen Kirk (Legal Member) and Frances Wood (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted a Payment Order for the sum of £8325 against the Respondent.

Introduction.

This Hearing concerned an Application for a Payment Order under Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016 in respect to a Private Rented Tenancy. The hearing took place by teleconference.

1. Attendance and Representation.

The Applicant was represented by Mr John MacAulay, Ennova Law, 26 George Square Edinburgh EH8 9LD

The Respondent was not present. He was served personally by Sheriff Officer on 19th May 2023. No written representations had been received.

2. Preliminary Matters.

The Applicant's representative said that the Applicant had has no recent contact with the Respondent. He explained that an electrician went to the property on 8 June and found same abandoned it appeared by the Respondent although there had been no contact on same. Nothing further had been heard from the Respondent.

There were no other preliminary matters raised.

3. Case Management Discussion.

The Applicant's representative set out that the Applicant was seeking a Payment Order for £8325. He explained that the respondent has been has in arrears of rent since October 2019. The Private Residential Tenancy between parties was entered into on 13th April 2018. Monthly contractual rent was £425 per month. As at the date of the Application the Respondent was in arrears of rent to the amount of £8325.

Reasons for Decision and Findings in Fact and Law.

- 1. The Tribunal was satisfied that a decision could be made in the absence of the Respondent and to do so would be in the interests of the parties, in the interests of justice and having regard to the Overriding objective. The Respondent had been served personally by Sheriff Officer and had not provided any written representations or appeared at the Hearing.**
- 2. The Applicant sought a Payment Order for the sum of £8325.**
- 3. The Tribunal was satisfied that the Applicant was the heritable proprietor of the Property as a copy title was lodged with the Application.**
- 4. There was a PRT in place between parties dated 13th April 2018.**
- 5. Monthly contractual rent in terms of that PRT is £425.**
- 6. As at the date of the application on 31st October 2022 the arrears of rent were £8325.**
- 7. The Tribunal granted an Order for Payment against the Respondent for £8325.**

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.

K Kirk

19th June 2023

Legal Member/Chair

Date