



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/20/0878

Re: Property at 911 Dumbarton Road, Dalmuir, West Dunbartonshire, G81 4LA (“the Property”)

Parties:

Mr Robert Kennedy, 9 Clarence Drive, Clydebank, West Dunbartonshire, G81 2DN (“the Applicant”)

Ms Karen Conway, 911 Dumbarton Road, Dalmuir, West Dunbartonshire, G81 4LA (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member) and Elaine Munroe (Ordinary Member)

Decision (in absence of the Respondent)

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

- **Introduction.**

The Applicant seeks a Payment Order in the sum of £6,530.14 against the Respondent.

A Case Management Discussion called on 6 August 2020. Notes of that Case Management Discussion were produced together with Directions issued to regulate further procedure ahead of the Hearing assigned for today.

Those Directions demanded that the Respondent lodge further specification of her defence to the Application which the Respondent had raised at the Case Management Discussion.

The Respondent failed to adhere to the terms of that Direction and no further communication had been received from her.

- **The Hearing.**

The Hearing called by conference call at 2pm on 24 September 2020.

The Applicant was present on the conference call. The Respondent was not present. The Respondent had been notified of the date and time of the conference call by letter dated 27 August 2020. This letter was sent by recorded delivery and was signed for under the name “Conway” on 11 September 2020.

The Tribunal also noted that the Respondent had been personally present on the Case Management Discussion conference call and been made aware that a Hearing would be assigned.

On the basis that the Respondent had been notified of the Hearing and had failed to comply with the Directions made, The Tribunal considered that it was fair to proceed with the Hearing in the absence of the Respondent.

The Applicant had complied with a Direction made upon him which ordered him to lodge details of the up-to-date sum of rent claimed. The Tribunal was notified of the amended sum sought of £6,530.14 on 10 September 2020 and this was intimated to the Respondent by post on 11 September 2020.

- **Findings in fact.**

Having heard from the Applicant and having considered the documentation submitted with the Application, the Tribunal made the following findings in fact.

- I. The Applicant and the Respondent signed a tenancy agreement in respect of the Property with a date of entry of 14 August 2020.**
- II. The Applicant, together with his wife Christine Kennedy were the Landlords and the Respondent was the Tenant.**
- III. The contractual monthly rent due was £700.00**
- IV. The Respondent fell into rent arrears and has not paid any rent since December 2019 whilst continuing to occupy the Property.**
- V. The rent is lawfully due and no legal reason for it being withheld has been established.**

- **Reasons for Decision**

Having made the above findings in fact, the Tribunal granted the Application and made a Payment Order in the sum of £6,530.14.

The Applicant asked for interest to run at the rate of 5 per cent on the sum due until payment. The Tribunal granted that request and interest will run on the sum awarded in that amount 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.

A McLaughlin

24 September 2020

Legal Member/Chair

Date