



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/21/1977

Re: Property at 20 Campbell Close, Hamilton, ML3 6BF (“the Property”)

Parties:

Silverwells Investments Ltd, 1 St Andrews Avenue, Bothwell, G71 8DL (“the Applicants”)

Mr Paul Preston, 20 Campbell Close, Hamilton, ML3 6BF (“the Respondent”)

Tribunal Members:

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 applicants are entitled to an Order for Payment by the respondent in the sum of TWO THOUSAND TWO HUNDRED POUNDS (£2200).

Background:

1. By application dated 17 August 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 4 March 2020; sundry correspondence from Tay Lettings Ltd to the respondent; Rent Ledger covering the period 1 February 2021 to 1 August 2021.
3. By Decision dated 27 October 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 3 November 2021, conform to Certificate of Service by Sheriff Officer of that date.

Case Management Discussion

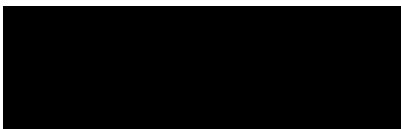
4. The CMD was convened at 1400 on 9 December 2021 by telephone. Ms Caitlin McKendrick attended the CMD on behalf of the applicants. The respondent neither appeared nor was represented. The tribunal delayed the start of the CMD until 1405 by which time the respondent had failed to join the call.
5. Notice of the CMD had been served on the respondent by Sheriff Officers on 3 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. Ms McKendrick advised that no further payments had been received from the respondent since the application had been made and the applicants sought an Order for Payment in the sum of £2200. She advised that the respondent was still in occupation of the property and that a Notice to Leave had been served which was still within the notice period and the applicant is intended to submit an application for eviction in due course.
7. The tribunal noted that the Private Residential Tenancy Agreement had commenced on 6 March 2020 and that the rent payable was £550 per month. The Rent Ledger showed that payments had been made up to April 2021 leaving four months rent outstanding at that time in the sum of £2200.

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 the Ms McKendrick 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.



9 December 2021