



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/22/3573

Re: Property at 28 Car Road, Cumnock, KA18 1HS (“the Property”)

Parties:

Mrs Elizabeth McNeill, 28 Dawnay Road, London, SW18 3PG (“the Applicant”)

Mr Stephen Hall, 28 Car Road, Cumnock, KA18 1HS (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member) and Ann Moore (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) decided to grant the Application and made a Payment Order in favour of the Applicant against the Respondent in the sum of £4,250.00.

Background.

The Applicant seeks a Payment Order for rent arrears of £4,250.00 said to have been accrued by the Respondent under a tenancy between the parties. The Application is accompanied by a copy of the tenancy agreement and rent statements.

The Case Management Discussion.

The Application called for a Case Management Discussion (CMD) by conference call at 10 am on 17 March 2023. The Applicant was represented by Mr Fraser of Wallace Hodge

and Co Solicitors. There was no appearance by the Respondent. The Application and information about how to join the conference call had been competently served on the Respondent and so the Tribunal decided to proceed in the absence of the Respondent.

Having heard from Mr Fraser, the Tribunal made the following findings in fact.

- I. *The parties entered into a tenancy agreement whereby the Applicant let the Property to the Respondent by virtue of a Private Residential Tenancy that commenced on 1 October 2020;*
- II. *The contractual monthly rent was £250.00;*
- III. *The Respondent fell into rent arrears;*
- IV. *The Respondent currently has arrears of rent in the sum of £4,250.00 which are lawfully due as rent to the Applicant by the Respondent but which remain unpaid;*
- V. *The Respondent has failed to engage in the Tribunal process;*

Decision

Having made the above findings in fact, the Tribunal made a Payment Order in favour of the Applicant against the Respondent in the sum of £4,250.00.

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.

A McLaughlin

Legal Member/Chair

17 March 2023
Date