



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.

Chamber Ref: FTS/HPC/CV/22/3574

Re: Property at 3 Allison Place, Carstairs Junction, Lanark, ML11 8RQ (“the Property”)

Parties:

Dr Rebecca Brown, 82 Falcon Ct, Edinburgh, EH10 4AG (“the Applicant”)

Mr Kieran Jardine, 3 Allison Place, Carstairs Junction, Lanark, ML11 8RQ (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal 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 £1,775.00.

Background

The Applicant seeks a Payment Order in the sum of £1,775.00 against the Respondent on account of rent arrears 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 a rent statement showing how the sums sought have been calculated.

The Case Management Discussion

The Application called for a Case Management Discussion (CMD) by conference call at 2pm on 27 January 2023. The Applicant was personally present. There was no appearance by or on behalf the Respondent. The Application and information about

how to join the conference call had been served on the Respondent by Sheriff Officers on 1 December 2022 and so the Tribunal decided to proceed in the absence of the Respondent.

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

Findings in Fact

- I. The parties entered into a tenancy agreement whereby the Applicant let the Property to the Respondent on a Private Residential Tenancy which commenced on 30 August 2021;*
- II. The contractual monthly rent was £450.00;*
- III. The Respondent fell into rent arrears and on the date the tenancy ended the sum sought in this Application of £1,775.00 was lawfully owed to the Applicant as rent but remains unpaid. This figure takes account of a previous Payment Order made against the Respondent by excluding any sums awarded in that Payment Order.*

Reasons for Decision

Having made the above findings in fact, the Tribunal decided to grant the Application and made a Payment Order in favour of the Applicant in the sum sought of £1,775.00.

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.

Andrew McLaughlin

Andrew McLaughlin
Legal Member/Chair

27 January 2023
Date