



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 (“the Act”) and the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”)

Chamber Ref: FTS/HPC/CV/19/4031

Re: Property at 15 Muirhouse Lane, Murray, East Kilbride, G75 0HY (“the Property”)

Parties:

Mrs Anne Jackson, 41 Ness Drive, St Leonards, East Kilbride (“the Applicant”) per her agent Mr Iain Jackson of the same address (“the Applicant’s Agent”)

Mr Paul Kelly, 15 Muirhouse Lane, Murray, East Kilbride, G75 0HY (“the Respondent”)

Tribunal Members:

Karen Moore (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an Order for Payment in the sum of SIX THOUSAND AND TWENTY FIVE POUNDS (£6,025.00) Sterling be granted.

Background

1. By application dated 13 December 2019 and comprising an application form, copy Private Residential Tenancy agreement between the Parties, and a statement of rent due and owing by the Respondent to the Applicant in the sum of £5,265.00 (“the Application”), the Applicant applied to the Tribunal for an order for payment under Section 71 of the Act. A legal member of the Tribunal with delegated powers to do so, accepted the Application in terms of Rule 9 of the Rules and a Case Management Discussion (“CMD”) was fixed for 20 February 2020 at the Glasgow Tribunal Centre, 20 York Street, Glasgow, G2 8GT. The CMD was intimated to the Parties.

CMD

2. The CMD took place on 20 February 2020 at the said Glasgow Tribunal Centre. The Applicant was not present and was represented by the Applicant's Agent. The Respondent was not present and not represented, nor had the Respondent submitted written representations. Prior to the CMD, the Applicant's Agent amended the sum sought to £6,025.00.
3. The Applicant's Agent advised the Tribunal that rent amounting to £6,025.00 remained unpaid and that an Order for payment of that sum was sought.

Findings in Fact

4. From the Application and the CMD, the Tribunal accepted that there is a Private Residential Tenancy agreement between the Parties and that that rent amounting to £6,025.00 is due and owing by the Respondent to the Applicant.

Decision and Reasons for Decision

5. Having found that rent amounting to £6,025.00 is due and owing by the Respondent to the Applicant, the Tribunal had regard to Rule 17 of the Rules which allows that the Tribunal may do anything at a CMD which it may do at a hearing, including making a decision, and so the Tribunal made an 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.

Karen Moore

Legal Member/Chair

20 February 2020

Date