



**Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016.**

**Chamber Ref: FTS/HPC/CV/22/1549**

**Re: Property at 39 Dalziel Street, Motherwell, ML1 1PJ (“the Property”)**

**Parties:**

**Supersave Properties Limited, 23 Townhead Street, Hamilton, ML3 7BQ (“the Applicant”)**

**Mrs Geetah Gallacher, Mr Ansley Beeltah, 46 Cypress Road, Motherwell, ML1 5FJ; 39 Dalziel Street, Motherwell, ML1 1PJ (“the Respondent”)**

**Tribunal Member:**

**Karen Kirk (Legal Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted an order for payment against the Respondents for £5447.50.**

## **1. Attendance and Representation**

This was a Case Management Discussion to consider the application dated 24<sup>th</sup> May 2022 brought in terms of Rule 111 (civil proceedings in relation to a Private Residential Tenancy ) of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 as amended. The discussion took place by teleconference.

The Applicants were represented by Naeem Ahmed, who is a Director of the Applicants.

The Respondents were now present. The Respondent Mrs Geetah Gallacher had emailed the Tribunal administration to indicate she was on holiday at the time of the hearing and sought a postponement. The Tribunal asked for evidence supporting the holiday to be lodged to allow it to consider the postponement request. None was received. There was no attendance form

the Respondent Ansley Beeltah. The Respondents had been served by Sheriff Officer on 2<sup>nd</sup> September 2022. The Tribunal had granted a postponement request by the Applicant previously after supporting evidence was lodged.

## **2. Preliminary Matters**

The Tribunal noted that the Applicants had lodged an application seeking to amend the sum sought to £5447.50 dated 6<sup>th</sup> December 2022. A copy rent statement to the end of the tenancy on 21<sup>st</sup> November 2022 was lodged. The Tribunal administration sent a copy of the application to the Respondents.

The Tribunal allowed the sum sought to be amended to £5447.50.

## **3. Case Management Discussion**

The Applicant's representative told the Tribunal that the Applicants obtained vacant possession of the property on 21<sup>st</sup> November 2022. Following grant of an Eviction Order the Applicants found the property abandoned on 21<sup>st</sup> November 2022 unsecured. The rent statement lodged is up to the 21<sup>st</sup> November 2022.

The Applicant's representative said he sought a payment order on the amended sum sought. Accordingly the payment order sought by the Applicant was £5447.50.

## **4. Findings in Fact**

1. The Tribunal was satisfied that a decision could be made in the absence of the Respondents at the Hearing and to do so would be in the interests of the parties, in the interests of justice and having regard to the Overriding objective. The Respondent had been served personally by Sheriff Officer on 2<sup>nd</sup> September 2022 and had not provided any written representations or appeared at the Hearing. A postponement request had not been granted following a failure to support same with evidence. The Respondents were aware of the hearing.
2. This Application is dated 24<sup>th</sup> May 2022 and brought in terms of Rule 111 of the First-Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.
3. The Applicant and the Respondent entered into a Private Residential Tenancy for the property on 22<sup>nd</sup> November 2018.
4. The Respondent Geetah Gallacher in terms of clause 37 became Guarantor for this PRT. A signed copy of this and the PRT was lodged with the application. This Tenancy is a Private Residential Tenancy under the Private Housing (Tenancies) (Scotland) Act 2016.
5. Rent payable under this tenancy was £350 a month.

6. As at 21<sup>st</sup> November 2022 the rent due by the Respondent to the Applicant was £5447.50.

## **5. Reasons for Decision**

The Tribunal was satisfied that the Applicants were the heritable proprietors of the Property. The Tribunal was satisfied that there was a Private Residential Tenancy between parties with one party a guarantor and that on the evidence provided it was appropriate having regard to the overriding objective of the Tribunal to make a determination at the CMD. The Tribunal was satisfied that the respondents were in arrears of rent lawfully due and a Rent Statement for the property was lodged. Rent owed from same amounted to £5447.50. Accordingly in terms of Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016 the Tribunal granted an Order for payment for the sum of £5447.50. against the Respondent.

## **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.**

**Since an appeal is only able to be made on a point of law, a party who intends to appeal the tribunal's decision may wish to request a Statement of Reasons for the decision to enable them to identify the point of law on which they wish to appeal. A party may make a request of the First-tier Tribunal for Scotland (Housing and Property Chamber) to provide written reasons for their decision within 14 days of the date of issue of this decision.**

**Where a Statement of Reasons is provided by the tribunal after such a request, the 30 day period for receipt of an application for permission to appeal begins on the date the Statement of Reasons is sent to them.**

**Karen Kirk**

**Legal Member/Chair**

**Date: 12/01/2022**

