

Housing and Property Chamber
First-tier Tribunal for Scotland



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”)

Chamber Ref: FTS/HPC/CV/23/3554

Re: Property at 8 Ivy Grove, Coatbridge, ML5 3PS (“the Property”)

Parties:

Ecosse Estates Ltd, Office 2, Room 8, Kirkhill House, 81 Broom Road East, Newton Mearns, G77 5LL (“the Applicant”)

Miss Karen Ward, UNKNOWN, UNKNOWN (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member)

Decision (in absence of the Respondent)

[1] The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted the Application and made a Payment Order in favour of the Applicant against the Respondent in the sum of £2,000.00.

Background

[2] The Applicant seeks a Payment Order in respect of rent arrears said to have been accrued by the Respondent under a tenancy agreement between the parties. The Application is accompanied by a copy of the tenancy agreement and rent statements.

The Case Management Discussion

[3] The Application called for a Case Management Discussion (“CMD”) by conference call at 10am on 21 March 2024. The Applicant was represented by their own Mr Caplan. There was no appearance by or on behalf of the Respondent. Service of the Application and details of the CMD had been competently effected on the Respondent by means of advertisement on the Tribunal website as the Respondent’s whereabouts could not reasonably be located. The Tribunal decided to proceed in the absence of the Respondent.

[4] Having heard from the Applicant and having considered the documentation, 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;*
- II. *The Respondent fell into rent arrears and left the Property with rent arrears lawfully due as rent to the Applicant;*
- III. *A previous Payment Order was applied for by the Applicant and was granted by a previous Tribunal;*
- IV. *Prior to the Respondent vacating the Property, further rent arrears of £2,000.00 were accrued by the Respondent. This is the sum now claimed;*
- V. *The Respondent has not engaged with the Tribunal process.*

Reasons for Decision

[5] Having made the above findings in fact, the Tribunal granted the Application and made a Payment Order in favour of the Applicant against the Respondent in the sum of £2,000.00.

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.



Legal Member/Chair

21 March 2024

Date