



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/23/4120

Re: Property at 53 Kersehill Crescent, Falkirk, FK2 9GH (“the Property”)

Parties:

Miss Lynsey Higgins, 54 Polmont Park, Falkirk, FK2 0UX (“the Applicant”)

Miss Suzanne McPhee, Mr Darren Thomas Tetsill, 53 Kersehill Crescent, Falkirk, FK2 9GH (“the Respondents”)

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 £3,136.40.

Background

[2] The Applicant seeks a Payment Order for rent arrears said to have been accrued by the Respondents 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 10:00 am on 11 March 2024. The Applicant was represented by Ms McAteer of Atrium

Lettings. There was no appearance on behalf of the Respondents. The Application and information about how to join the conference call had been served on the Respondents by Sheriff Officers. Accordingly, the Tribunal decided to proceed in their absence.

[4] Having heard from Ms McAteer, the Tribunal made the following findings in fact.

Findings in Fact

- I. *The parties entered into a tenancy agreement whereby the Respondents let the Property from the Applicant by virtue of a Private Residential Tenancy within the meaning of the Act;*
- II. *The Respondents vacated the Property with rent arrears lawfully due to the Applicant but unpaid;*
- III. *The Applicant had previously applied for an obtained a Payment Order against the Respondent for some of the rent arrears;*
- IV. *A further sum of £3,136.40. was subsequently accrued by the Respondents up until the date they vacated the Property.*

Decision

[4] 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 £3,136.40.

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

11 March 2024

Date

