



**Decision with Statement of Reasons 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/24/0509**

**Re: Property at 92 Balgray Avenue, Kilmarnock, KA1 4QT (“the Property”)**

**Parties:**

**Easton Property Residential Limited, 2 Newfield Drive, Dundonald, Ayrshire, KA2 9EW (“the Applicant”)**

**Miss Debbie McCall, 92 Balgray Avenue, Kilmarnock, KA1 4QT (“the Respondent”)**

**Tribunal Members:**

**Andrew Upton (Legal Member) and Ann Moore (Ordinary Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Respondent is liable to make payment to the Applicant in the sum of £4,194.87, being rent arrears due by the Respondent to the Applicant for the period 5 December 2021 until 5 January 2024.**

**Statement of Reasons**

1. This Application called for its Case Management Discussion by teleconference call on 20 June 2024, alongside the related application EV/24/0505. The Applicant was represented by Miss Barclay. The Respondent was not present or represented.
2. In this Application, the Applicant seeks payment of rent arrears of £4,194.87, said to have accrued during the period 5 December 2021 until 5 January 2024. The Applicant has produced a rent schedule detailing the rent payments which had fallen due during that period, and the payments made by the Respondent. The schedule showed that the sum outstanding was £4,194.87. In advance of the CMD, the Applicant produced an updated rent

schedule showing that the arrears had increased since raising the Application. No application for amendment was made, and the schedule was produced for information only.

3. In terms of Rule 17(4) of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017, the Tribunal may do anything at a CMD that it may do at a Hearing, including make a Decision. In terms of Rule 2, the Tribunal must have regard to the overriding objective to deal with proceedings justly when making a Decision. That includes the need to avoid unnecessary delay.
4. The Respondent has received service of a copy of the Application and accompanying papers, together with the details for joining the CMD. She has not lodged any written representations, and has chosen not to attend the CMD to dispute the allegations set out in the Application. In the circumstances, the Tribunal is satisfied that the Respondent does not dispute that she is in rent arrears of £4,194.87 for the period 5 December 2021 until 5 January 2024, or that the said sum remains unpaid.
5. Accordingly, the Tribunal is satisfied that the Respondent is liable to make payment to the Applicant in the sum of £4,194.87, being rent arrears due by the Respondent to the Applicant for the period 5 December 2021 until 5 January 2024. The Tribunal will make a payment order in that sum.

### **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. Upton**

**Legal Member/Chair**

**20/06/2024**

**Date**