



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/23/3945

Re: Property at 75 Laggan Road, Airdrie, ML6 0LL (“the Property”)

Parties:

Mr Mario Zambonini, 11-15 Hallcraig Street, Airdrie, ML6 6AH (“the Applicant”)

Mrs Laura Penmen, 75 Laggan Road, Airdrie, ML6 0LL (“the Respondent”)

Tribunal Members:

Ewan Miller (Legal Member) and Elizabeth Williams (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that that Applicant would be granted a payment order against the Respondent in the sum of FIVE THOUSAND SEVEN HUNDRED and SEVENTY FIVE POUNDS (£5775) STERLING

Background

The Applicant is the owner of the Property. He had let the Property to the Respondent under a Private Residential Tenancy at a rental of £525 per month from 22 January 2019. The Applicant alleged that the Respondent had ceased paying rental around March 2023 and arrears of £5775 had accrued since then.

The Applicant sought a payment order against the Respondent for the arrears.

The Tribunal had before it:-

- A copy of the Private Residential Tenancy between the Applicant and the Respondent creating the tenancy from 22/1/19
- A copy of the Land Certificate of the Property evidencing the Applicant’s ownership of the Property
- An application form to the Tribunal dated 3/11/23
- Bank Statements from the Applicant

- A Rent Statement showing the payment history of the tenancy

Case Management Discussion (CMD)

The Tribunal held a Case Management Discussion regarding the matter on 15 May 2024. The tribunal comprised Mr E Miller, Chair and Legal Member and Miss E Williams, Ordinary Member. The Applicant was not present but was represented by Mr Thomas Gallagher of Ness Gallagher, Solicitors, Wishaw. The Respondent was not present or represented but had been timeously and properly notified of the CMD

Findings in Fact

The Tribunal found the following facts to be established:-

- The Applicant was the owner of the Property
- The Applicant had granted a Private Residential Tenancy to the Respondent of the Property at a rent of £525 per month from 22 January 2019
- The Respondent had ceased paying rent to the Applicant from around March 2023
- There were outstanding arrears at the date of the CMD of £5775

Reasons for Decision

The Tribunal noted the evidence before it. The lease established the contractual relationship between the parties and the obligation for the payment of £525 per month from the Respondent to the Applicant. The Rent Statement and the Bank Statements evidenced the non-payment. There was nothing from the Respondent to challenge the information before the Tribunal and no reason for the Tribunal to doubt the information before it. The up-to-date arrears had been notified to the Respondent ahead the tribunal in the proper manner. The Respondent had been served with notice of the date of the CMD.

The Tribunal was content that the arrears were correctly stated and were content to grant the payment order in the amount sought

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.

Ewan Miller

19 June 2024

Legal Member/Chair

Date

