



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 (“the Act”)

Chamber Ref: FTS/HPC/CV/24/0806

Re: Property at 18 Barrie Terrace, Ardrossan, North Ayrshire, KA22 8BA (“the Property”)

Parties:

EASTON PROPERTY NEWFIELD LIMITED, 2 Newfield Drive, Dundonald, Kilmarnock, KA2 9EW (“the Applicant”)

Ms Samantha Carruth, 18 Barrie Terrace, Ardrossan, North Ayrshire, KA22 8BA (“the Respondent”)

Tribunal Members:

Karen Moore (Legal Member) and Eileen Shand (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”), determined that an Order for Payment in the sum of THREE THOUSAND TWO HUNDRED AND THIRTY EIGHT POUNDS AND SEVENTEEN PENCE (£3,238.17) Sterling be granted.

1. By application received on 19 February 2024 (“the Application”), the Applicant applied to the Tribunal for an Order for payment of rent due and owing.
2. The Application comprised the following:
 - i) copy private residential tenancy agreement between the Parties showing a monthly rent of £435.00 which increased to £450.00;
 - ii) copy rent statement showing arrears of £3,147.42 due and owing at 13 February 2024;
 - iii) pre-action requirement letters sent to the Respondent.

3. The Application was accepted by the Tribunal Chamber and a Case Management Discussion (the "CMD") was fixed for 8 July 2024 at 10.00 by telephone conference. The CMD was intimated to both Parties, and, in particular, was intimated to the Respondent by Sheriff Officer service on 5 June 2024.
4. Prior to the CMD, by email of 12 June 2024, the Respondent wrote to the Tribunal to requesting a postponement due to health reasons and advising that she is looking for suitable accommodation. The Applicant opposed the postponement and submitted an updated rent statement showing that arrears of £3,238.17 were now due and owing. The Tribunal considered the request and the opposition to it and determined not to postpone the CMD. The Respondent then advised the Tribunal that she would not attend and that there had been a repair issue with the boiler.

CMD

5. The CMD took place on 8 July 2024 at 10.00 by telephone. The Applicant was represented by Mr. Steven Easton. The Respondent was not present and was not represented. She did not submit written representations.
6. Mr. Easton confirmed that the Applicant sought an eviction Order. He advised that there had been no contact from Respondent and no payments had been made.

Findings in Fact

7. From the Application and the CMD, the Tribunal made the following findings in fact: -
 - i) There is a private residential tenancy of the Property between the Parties commencing on 13 October 2022;
 - ii) The monthly rent is currently £450.00;
 - iii) There are rent arrears of £3,238.17 due and owing by the Respondent to the Applicant.

Decision and reasons for the decision

8. The Tribunal had regard to Rule 17(4) of the Rules which states that the Tribunal "*may do anything at a case management discussionincluding making a decision*". The Tribunal took the view that it had sufficient information to make a decision and so proceeded to determine the Application.
9. The grounds and procedure being established, and the Application not being opposed, the Tribunal decided to grant the Order in the sum of THREE THOUSAND TWO HUNDRED AND THIRTY EIGHT POUNDS AND SEVENTEEN PENCE (£3,238.17) Sterling

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.

Karen Moore

Legal Member/Chair

8 July 2024

Date