



**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/24/1317**

**Re: Property at 25 Highfield Crescent, Motherwell, ML1 4BN (“the Property”)**

**Parties:**

**Ray Jacobs, 2 Lensway, Kettering, Northants, NN14 1TS (“the Applicant”)**

**Mr Scott Hewitt, 25 Highfield Crescent, Motherwell, ML1 4BN (“the Respondent”)**

**Tribunal Members:**

**Graham Harding (Legal Member) and David Fotheringham (Ordinary Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant was entitled to an order for payment by the Respondent to the Applicant in the sum of £1175.00.**

**Background**

1. By application dated 19 March 2024 the Applicant’s representatives, Smart Move Estate Agents (Scotland) Limited, Glasgow, applied to the Tribunal for an order for payment in respect of alleged rent arrears arising from the Respondent’s tenancy of the property. The Applicant’s representatives submitted a copy of the tenancy agreement together with a rent statement and other documents in support of the application.
2. By Notice of Acceptance dated 15 April 2024 a legal member of the Tribunal with delegated powers accepted the application and a Case Management Discussion (“CMD”) was assigned.
3. Intimation of the CMD was served on the Respondent by Sheriff Officers on 31 July 2024.

## **The Case Management Discussion**

4. A CMD was held by teleconference on 27 August 2024. The Applicant was represented by Mr George Reynolds from the Applicant's representatives. The Respondent did not attend nor was he represented. The Tribunal being satisfied that proper intimation had been given to the Respondent determined to proceed in his absence.
5. Mr Reynolds referred the Tribunal to the rent statement submitted with the application and advised the Tribunal that the rent arrears had increased since the application had been submitted but that the Applicant was restricting his claim to the sum contained in the application namely £1175.00. Mr Reynolds asked the Tribunal to grant an order for payment in the sum of £1175.00.

## **Findings in Fact**

6. The Respondent owed rent of £1195.00 as at 15 January 2024 and this amount was still outstanding at the date of the CMD.

## **Reasons for Decision**

7. The Tribunal was satisfied from the written representations and documents submitted by the Applicant's representatives together with the oral submissions that the Applicant was entitled to an order for payment by the Respondent in the sum of £1175.00.

## **Decision**

8. The Tribunal finds the Applicant entitled to an order for payment by the Respondent to the Applicant in the sum of £1175.00.

## **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.**

**Graham Harding**

**Legal Member/Chair**

**Date: 27 August 2024**