



**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/21/1166

Re: Property at 79E Hallcraig Street, Airdrie, North Lanarkshire, ML6 6AW (“the Property”)

Parties:

Mr Lendrick Gillies, 132 St John's Road, Edinburgh, EH12 8AX (“the Applicant”)

**Mr Neil Lafferty, 79E Hallcraig Street, Airdrie, North Lanarkshire, ML6 6AW
 (“the Respondent”)**

Tribunal Members:

Karen Kirk (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted a Payment Order against the Respondent for the sum of £1394.70.

Introduction/Background

This Case Management Discussion concerned an Application for civil proceedings in relation to a Private Residential Tenancy under Section 71(1) of the Private Housing (Tenancies) (Scotland) Act 2016. The hearing took place by teleconference due to the covid-19 pandemic. This was the second Hearing of this Application. The first Hearing was continued as the Respondent before that Hearing commenced spoke with the Clerk to the Tribunal and advised due to ill health he was unable to take part in a morning hearing. The Clerk advised the Respondent was distressed. The Tribunal allowed the Respondent an opportunity to appear or be represented on the next occasion and to continue for this purpose. The Tribunal also noted that the second Hearing would take place at 2pm to allow the Respondent to take part.

1. Attendance and Representation

Paul Clark, Aquila Management Services Limited, 98 High Street, Airdrie, ML6 0DX, attended for the Applicant.

The Respondent was not present for the Hearing. The Hearing took place at 2pm to assist the Respondent to attend.

2. Preliminary Matters

The Tribunal proceeded in the Respondent's absence. The Tribunal delayed the start in case the Respondent was delayed. However thereafter proceeded. but the Chair indicated the Tribunal would not make a final decision in the case

Case Management Discussion.

The Applicant's representative said that Universal Credit was now being paid regularly and the current to date figure sought for a payment order was £1394.70. This was less than the sum sought in the Application and the Tribunal noted this. An up to date rent statement had been submitted. The Applicant's representative had submitted previously that the property has been upgraded during the tenancy with new windows fitted to the living room and the installation of gas heating. The Respondent had had to stop working due to it was thought physical ill health and had been suffering from mental ill health. The Respondent was now in receipt of universal credit.

Findings in Fact

1. The Respondent entered into a Private Residential Tenancy for the property on the 3rd June 2020.
2. The monthly contractual rent for the property is £450.
3. At the date of the Hearing the amount outstanding in rent arrears due by the Respondent was £1394.70.

Reasons for Decision

The Tribunal had made adjustments at the last Hearing to make it easier for the Respondent to attend. The Tribunal allow mindful of the Respondent's ill health considered in terms of the overriding objective and in the interests of justice that it was appropriate to make a final determination in the case and to proceed in the Respondent's absence. The Tribunal considered that it further appropriate to grant the order 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.

K Kirk

6th August 2021

Legal Member/Chair

Date