

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**Decision 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/18/2250**

**Re: Property at 22 Windsor Road, Falkirk, FK1 5EJ (“the Property”)**

**Parties:**

**Mr Scott Douglas, 21 Moffat Avenue, Falkirk, FK2 8TB (“the Applicant”)**

**Ms Jade Jones, 22 Windsor Road, Falkirk, FK1 5EJ (“the Respondent”)**

**Tribunal Members:**

**Ewan Miller (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant should be granted a payment order against the Respondent for the sum of £1795.**

**Background**

By way of an Application dated 23 August 2018 the Applicant sought an Order for Payment from the Respondent under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. The Applicant was the landlord of the Property. The Property was let to the Respondent.

**Case Management Discussion**

A Case Management Discussion took place at the John Player Building, Stirling Enterprise Park, Stirling on 23 November 2018 at 10am. The Applicant was present and was represented by Mr Lewis Kemp of Harper MacLeod, Citypoint, Edinburgh.

The Respondent was not present. The Tribunal noted that copies of the application and papers had been served by Sheriff Officer on the Respondent timeously. On that basis the Tribunal was satisfied that it was appropriate to proceed in the absence of the Respondent as she had had adequate notice of the Case Management Discussion and was aware that a decision could be made in her absence.

## Findings in Fact

The Tribunal found the following facts to be established:-

- The Applicant was the owner of the Property
- The Applicant had let the Property to the Respondent by way of a private residential tenancy dated 16 February 2018.
- The rental due under the tenancy was £110 per week
- Whilst the Respondent had initially made payment of rent she had rapidly fallen in to arrears.
- At the date of the Applicant's application to the Tribunal the Respondent had been in rent arrears to the sum of £1795.

## Reasons for the Decision

The Tribunal was readily satisfied that a payment order was appropriate here. The Applicant had produced the Lease which showed the rental of £110 per week being due. The Applicant had also produced a rent arrears statement which showed initial payments being made in February and March which then ceased bar one payment in June 2016. The Applicant did not seek to amend the sums due to reflect the further arrears up to the date of the Case Management Discussion. The Respondent had not appeared nor produced any evidence to rebut the paperwork put forward by the Applicant. The Tribunal found the Applicant to be credible and had no reason, in the absence of any evidence to the contrary, to doubt the Applicant's evidence. On that basis the Tribunal accepted that there were arrears of £1795 and was prepared to grant the payment 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.**

**Since an appeal is only able to be made on a point of law, a party who intends to appeal the tribunal's decision may wish to request a Statement of Reasons for the decision to enable them to identify the point of law on which they wish to appeal. A party may make a request of the First-tier Tribunal for Scotland (Housing and Property Chamber) to provide written reasons for their decision within 14 days of the date of issue of this decision.**

**Where a Statement of Reasons is provided by the tribunal after such a request, the 30 day period for receipt of an application for permission to appeal begins on the date the Statement of Reasons is sent to them.**

Ewan Miller

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**Legal Member/Chair**

23/11/18  
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**Date**