

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

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**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**

**Chamber Ref: FTS/HPC/CV/19/0080**

**Re: Property at 5 McMahon Drive, Newmains, Wishaw, ML2 9BS (“the Property”)**

**Parties:**

**Mr James Whiteford, c/o Ness Gallagher Solicitors Ltd, 95 Stewarton Street, Wishaw, ML2 8AG (“the Applicant”)**

**Ms Keri Hendrickson, 5 McMahon Drive, Newmains, Wishaw, ML2 9BS (“the Respondent”)**

**Tribunal Member (“the tribunal”):**

**David Preston (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) determined that the respondent pay to the applicant the sum of Ten thousand one hundred and fifteen pounds (£10115.79) being arrears of rent under the tenancy agreement between the parties.**

**Background:**

1. By application dated 10 January 2019 the applicant applied to the First-tier Tribunal under Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 for an order for payment in respect of arrears of rent. The application was accompanied by a copy of the tenancy agreement.

**Case Management Discussion (CMD)**

2. The applicant attended the CMD along with Mr Graham Keys, Solicitor. The respondent neither attended nor was represented.

3. The applicant lodged an amended rent statement to supplement the screenshots of payments of housing benefit by North Lanarkshire Council already lodged. The rent statement disclosed that arrears of rent to December 2018 amounted to £10115.79 which was a lower figure than that shown in the application. Mr Keys sought to amend the application to that lower figure to which the tribunal acceded.

**Reasons for Decision:**

4. Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 states that the tribunal may do anything at a CMD which it may do at a hearing, including making a decision. The tribunal decided that, on the basis of the information presented to it, to determine the application at the CMD.
5. The tribunal was satisfied that notice of the CMD together with a full set of the papers had been served on the respondent by Sheriff Officers on 27 March 2019. No effort had been made by her to respond to the papers and she did not attend the CMD.
6. The tribunal is satisfied that arrears of rent totalling £10115.79 are due by the respondent to the applicant.

**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.**

  
Legal Member/Chair

17 April 2019  
Date