



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51 of the Private Housing (Tenancies) Act 2016

Chamber Ref: FTS/HPC/CV/0130

Property: 18 Goatfoot Road, Galston, KA4 8BJ

Parties:

Ms Sharon Lamond Property, 2 Striven Gardens, Glasgow G20 6DU (“the applicant”)

Ms Margaret Gibb, 18 Goatfoot Road, Galston, KA4 8BJ (“the respondent”)

Tribunal Member:

David Preston (Legal Member) (“the tribunal”)

Decision (in absence of the Respondent)

The tribunal determined that the respondent pay to the applicants the sum of One thousand six hundred and fifty pounds (£1650) being arrears of rent under the Tenancy Agreement between the parties.

Background:

1. By application dated 9 January 2019 the applicant applied to the Tribunal under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Regulations”) for an order for payment in respect of arrears of rent. The application was accompanied by a copy of the Private Residential Tenancy Agreement dated 1 November 2018 and a copy Rent Statement covering the period October 2018 to 1 April 2019.

Case Management Discussion (CMD)

2. The applicant attended in person and the respondent neither appeared nor was represented.
3. Notice of the Case Management Discussion had been served on the respondent by Sheriff Officer on 3 May 2019. The tribunal was satisfied that due notice had been given to the respondent to which she had failed to respond.

4. It appeared that the respondent was no longer living at the property. The tribunal noted a report from Sheriff Officers dated 28 January 2019 following on their attempt to serve papers in which they said that they had been advised by a neighbour that the tenant had removed from the property. the applicant confirmed that she had regained possession of the property following the departure of the tenant.

Reasons for Decision:

5. Rule 17 of the Regulations 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, it was able to determine the application at the CMD.
6. The tribunal accepted the information in the file and as provided by the applicant and determined to issue the order for payment.

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.

David Preston

4 June 2019

Legal Member/Chair

Date