

Housing and Property Chamber
First-tier Tribunal for Scotland



**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/22/0438

Re: Property at 171 Medlar Road, Cumbernauld, G67 3AH (“the Property”)

Parties:

Mr Stephen Connolly, 30 Cairntoul Court, Cumbernauld, G68 9JS (“the Applicant”)

Mr Barry Williams, 252 Rowan Road, Abronhill, Cumbernauld, G67 3DB (“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 £7900.

Present

Kirsty Connelly, TC Young Solicitors, 7 West George Street, Glasgow, G2 1BA attended for the Applicant.

The Respondent was not in attendance. A Sheriff Officer service took place on 24th March 2022 to the Respondents address at Rowan Road. The Sheriff Officer was satisfied service had taken effect although the male found in the property did not accept service or confirm his identity.

The Hearing

The Applicant's representative set out that the rent arrears for the property remained at £7900 with no payments. There had been no contact with the respondent for some time. The tenancy between parties ended in December 2021. The Applicant's representative said that the applicant instructed that a trace be carried out on the Respondents new address which provided the Respondents new address as Rowan Road. The Respondent has employment in the Cumbernauld area

The Applicant's representative submitted that the tenancy contractual rent was £395 per month. The Respondent made one payment and then made no further payments. She referred to the full rent statement lodged. She submitted that the Respondent is believed to have been working throughout the tenancy and she sought a Payment order against the Respondent for the sum of £7900.

Findings in Fact

1. The Tribunal determined that it was in the interests of justice, parties and having regard to the overriding objective of the Tribunal for a decision to be made at the CMD in the absence of the Respondent. There was all necessary material before the Tribunal to make a decision and the Respondent had been served.
2. The Applicant sought a Payment Order for £7900.
3. The Respondent entered into a Private Residential Tenancy for the property at on 22nd March 2020.
4. The monthly rent due in terms of the said Tenancy is £395 per month.
5. The Respondent in terms of the tenancy made one payment and thereafter made no further payments.
6. The Respondent at the end of the tenancy in December 2021 owed rent arrears to the Applicant of £7900.

Reasons for the Decision

The Tribunal heard evidence from the Applicant's representative and considered that it was reasonable and appropriate to grant a Payment Order for £7900. The Tribunal had regard to the written evidence lodged in particular the rent statement for the property between the parties and the Private Residential tenancy. The Tribunal therefore granted a Payment Order for the sum of £7900.

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

12th May 2022

Legal Member/Chair

Date