

**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 of the Private Housing (Tenancies) (Scotland) Act 2016.**

**Chamber Ref: FTS/HPC/CV/19/1155**

**Re: Property at 26A Wrangholm Drive, Motherwell, ML1 4JN (“the Property”)**

**Parties:**

**Mr Jeremy Finn, Ms Ruth Finn, c/o Independent MPS, 23 Stirling Street, Airdrie, ML6 0AH (“the Applicants”)**

**Ms Helen Quinn, 26A Wrangholm Drive, Motherwell, ML1 4JN (“the Respondent”)**

**Tribunal Members:**

**David Preston (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the respondent will pay to the applicant the sum of NINE THOUSAND POUNDS £9000 being arrears of rent under the Tenancy Agreement between the parties.**

**Background**

1. An application under Rule 70 of the First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Regulations”) was made on 4 April 2019 seeking payment of arrears of rent amounting to £9000 due by the respondent to the applicants.
2. The application was accompanied by: Short Assured Tenancy Agreement dated 14 July 2017; Section 19 Notice (AT6) dated 6 February 2019; and Rent Statement covering the period 14 July 2017 to 14 January 2019;
3. By Decision dated 30 April 2019 a Legal Member of HPC having delegated power for the purpose, referred the application under Rule 9 of the Regulations to the tribunal. A letter of Intimation with Notice of the Case Management Discussion to

be held on 19 June 2019 at 14.00 in the Glasgow Tribunals Centre, 20 York Street, Glasgow G2 8GT together with the application and case papers was served on the tenant by Sheriff Officers on 7 May 2019. The tribunal was provided with a copy of the Sheriff Officer's Certificate of Intimation thereof.

4. The tribunal was satisfied that all relevant documents and intimation of today's hearing had been duly served on the respondent and that the requirements of Rule 24 had been complied with.

### **Case Management Discussion**

5. Mrs Kirsty Hill of Independent MPS appeared on behalf of the applicants. There was no appearance by or on behalf of the respondent. The tribunal was satisfied that the respondent had been given due notice of the CMD and had voluntarily elected to waive her right to be present or be represented and was content to proceed in her absence.
6. The tribunal discussed the rent statement with the applicant's agent which demonstrated to the satisfaction of the tribunal that the last payment of rent by the respondent had been made on 14 July 2017 leaving 18 months arrears up to the date of the application. Mrs Hill advised that no further rent had been paid by the respondent.
7. The tribunal was satisfied that the respondent was in arrears of rent to the extent of £9000.
8. The tribunal was satisfied that the respondent had received all relevant paperwork and had voluntarily waived her right to appear at the tribunal.

### **Reasons for Decision**

9. 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.
10. The tribunal determined to grant an order for payment as 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.**

19-6-19

