



**Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 (1) of the Private Housing (Tenancies) (Scotland) Act 2016 (Act)**

**Chamber Ref: FTS/HPC/CV/22/3114**

**Re: Property at 2 Sanderling, Lesmahagow, ML11 0GX (“the Property”)**

**Parties:**

**Mrs Ania Wilde, 9 Royal Gardens, Ramsbottom, Bury, BL0 9SB (“the Applicant”)**

**Mr David Walker, 2 Sanderling, Lesmahagow, ML11 0GX (“the Respondent”)**

**Tribunal Members:**

**Alan Strain (Legal Member) and Eileen Shand (Ordinary Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment be granted in the sum of £1,905.**

**Background**

This is an application under Rule 111 of *The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (Rules)* and section 71(1) of the Act in respect of a claim for payment of alleged rent arrears, damages.

The Tribunal had regard to the following documents:

1. Application dated 30 August 2022;
2. PRTA commencing 30 April 2021;
3. Rent Statement as at 19 December 2022;
4. Sheriff Officer Certificate of Service of CMD Notification on 1 December 2022.

**CMD**

The Applicant did not participate but was represented by her Letting Agent. The Respondent did not participate and was not represented.

The Tribunal delayed the start of the CMD to see if the Respondent would participate but he did not.

The Tribunal were satisfied that the Respondent had received notification of the Case Management Discussion and that the Tribunal could determine the matter if it considered it had sufficient information to do so and the procedure was fair. The notification also advised the Respondent that he should attend and the Tribunal could determine the matter in absence if he did not.

The Tribunal heard from the Applicant's Letting Agent in support of the application for payment. He explained that there were arrears of rent in the sum of £1,905 as at 19 December 2022.

The Applicant's Letting Agent sought an order for payment in the sum claimed due as at 19 December 2022.

The Tribunal then considered the documentary evidence it had received and the submissions made. In so far as material the Tribunal made the following findings in fact:

1. The Parties let the subjects under a PRTA commencing 30 April 2021;
2. The monthly rent was £375;
3. As at 19 December 2022 the Respondent was in arrears of rent in the sum of £1,905.

## **Decision and Reasons**

The Tribunal was satisfied that in the circumstances the Applicant was due the outstanding rent from the Respondent and granted the order sought.

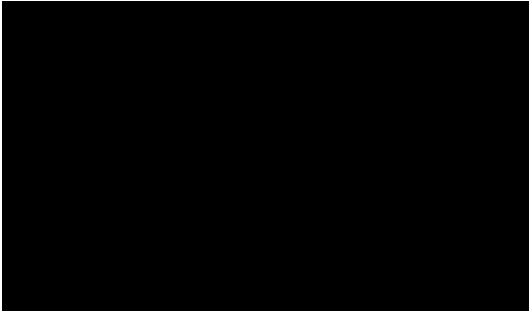
## **Right of Appeal**

**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.**



**Legal Member/Chair**

**26 January 2023**

**Date**