



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

Chamber Ref: FTS/HPC/CV/20/2366

Re: Property at 44 Calderpark Street, Lochwinnoch, PA12 4AX (“the property”)

Parties:

Property House Limited, C/O 3A Moss Street, Paisley, PA1 1BG (“the applicant”)

Miss Laura McCrudden, 44 Calderpark Street, Lochwinnoch, PA12 4AX (“the respondent”)

Tribunal Members:

David Preston (Legal Member) and Gordon Laurie (Ordinary Member)

Decision (in absence of the respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant was entitled to an order for payment by the respondent in the sum of TWO THOUSAND AND FIVE POUNDS (£2005).

Background:

1. By application dated 11 November 2020 the applicant applied to the Tribunal for an order for payment on the grounds that the respondent had accrued rent arrears under a Private Residential Tenancy Agreement. The applicant provided the Tribunal with a copy of the tenancy agreement and a rent statement in support of the application.
2. By Notice of Acceptance dated 16 December 2020 a legal member of the Tribunal with delegated powers accepted the application and referred it under rule 9 of the Rules for a full hearing.
3. Intimation of the hearing along with a copy of the application and supporting documentation was served on the Respondent by Sheriff Officers on 24 December 2020.

4. The tribunal had before it: Application Form dated 11 November 2020; copy Private Printed Tenancy Agreement dated 11 May 2020; Rent Statement covering the period 16 May 2020 to 31 October 2020; and Certificate of Execution of Service dated 24 December 2020.

Hearing

5. On 10 February 2021 a hearing was convened by telephone at 10.00am in terms of the Notice of Intimation. Mr Wayne Burrows of Penny Lane Homes Ltd was in attendance on behalf of the applicant. There was no appearance by or on behalf of the respondent.
6. Notice of the hearing had been served on the respondent together with a full set of papers relating to the application. The tribunal was satisfied that due notice had been given to the respondent to which she had failed to respond, and she had therefore voluntarily waived her right to attend or be represented and the tribunal was content to proceed in her absence.
7. Mr Burrows referred to the rent statement lodged which demonstrated that arrears of rent amounting to £2005 had accrued at the date of making the application. He confirmed that the landlord did not intend to seek an order for any further arrears of rent.

Reasons for Decision

8. The tribunal was satisfied from the evidence provided in the written submissions and by Mr Burrows at the hearing that the parties had entered into a Private Residential Tenancy Agreement at a rent of £525 per month. The tribunal was also satisfied that the respondent had accrued arrears amounting to £2005 by 11 November 2020.

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.

10 February 2021

