



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 70(1) of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/21/0123

Re: Property at 54 Rosebank Street, Airdrie, ML6 7DX (“the Property”)

Parties:

Dr Rukshana Salim, 10 Avonhead Road, Cumbernauld, Glasgow, G67 4RA (“the Applicant”)

Mrs Hazelann Alexander, 54 Rosebank Street, Airdrie, ML6 7DX (“the Respondent”)

Tribunal Members:

Ruth O'Hare (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to make no order and dismissed the application.

Background

- 1 By application to the Tribunal, the Applicant sought an order against the Respondent for unpaid rent arrears. In support of the application the Applicant submitted Tenancy Agreement between the parties dated 16 February 2018 and 27 February 2018 and rent schedule.
- 2 By Notice of Acceptance of Application the Legal Member with delegated powers of the Chamber President intimated that there were no grounds on which to reject the application. A Case Management Discussion was therefore assigned for 12 March 2021. Due to the imposition of restrictions arising from the Covid-19 pandemic a direction was issued to the parties by the Chamber President confirming that the Case Management Discussion would take place by teleconference.

- 3 A copy of the application paperwork together with notification of the date and time of the Case Management Discussion and instructions on how to join the teleconference was intimated to the Respondent by Sheriff Officers on 10 February 2021.

The Case Management Discussion

- 4 The Case Management Discussion took place by teleconference on 12 March 2021. Mr Paul Clark of Aquila Management Services Ltd appeared on behalf of the Applicant. The Respondent was not in attendance.
- 5 The Legal Member noted that the application paperwork had been served on the Respondent by Sheriff Officers and that she had therefore received proper notification of the date and time of the Case Management Discussion together with instructions for joining the tele-conference. On that basis the Legal Member determined to proceed in her absence.
- 6 Mr Clark explained that the Respondent had in fact made substantial payments towards the arrears balance and her rent account was currently in credit by £57. Accordingly the Applicant was no longer seeking an order for payment and would be content for the proceedings to be brought to an end.

Reasons for Decision

- 7 Having considered the written representations from the parties and the verbal submissions at the Case Management Discussion the Tribunal determined it could make a determination of the application and that to do so would not be prejudicial to the interests of the parties. The Tribunal was satisfied that the Respondent had received proper notification of the Case Management Discussion and had been given the opportunity to participate.
- 8 The Tribunal noted the submission put forward by Mr Clark at the Case Management Discussion, namely that the arrears had now been paid and the Applicant was no longer seeking any redress. On that basis the Tribunal was content to make no order. The application was therefore dismissed.

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.

Ruth O'Hare

12/03/21

Legal Member/Chair

Date