



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under in terms of Rule 17 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”) In respect of an application under Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the Act”) and Rule 111 of the Rules

Chamber Ref: FTS/HPC/CV/21/3198

Re: Property at 171B Riverside Road, Kirkfieldbank, ML11 9JR (“the Property”)

Parties:

Mr Brian Gordon, C/O Igloo Estate Agents, Gateside Street, Hamilton, ML3 7JG (“the Applicant”) per his agents Stodarts LLP 95 Almada Street, Hamilton, ML3 0EY (“the Applicant’s Agents”)

Ms Monica Fitzpatrick, 171B Riverside Road, Kirkfieldbank, ML11 9JR (“the Respondent”)

Tribunal Members:

Karen Moore (Legal Member) and Gerard Darroch (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that a payment order in the sum of TWO THOUSAND SIX HUNDRED AND NINETY FOUR POUNDS EIGHTY SIX PENCE (£2,694.84) Sterling

1. By application received on 22 December 2021 (“the Application”), the Applicant’s Agents on behalf of the Applicant applied to the Tribunal for an Order for payment of rent amounting to £3,153.54 due and owing in respect of a private residential tenancy between the Parties.
2. The Application was accepted by the Tribunal Chamber and a Case Management Discussion (the “CMD”) was fixed for 18 March 2022 at 14.00 by telephone conference.

CMD

3. The CMD took place on 18 March 2022. The Applicant was not present and was represented by Ms. Hogg of the Applicant’s Agents. The Respondent was not present and was not represented. The Respondent did not submit written representations.

4. Ms. Hogg advised the Tribunal that the rent arrears noted in the Application were incorrect as the sum included a Sky subscription which was not due by the Respondent and that a reduced sum of £2,694.86 is the correct sum. She advised the Tribunal that the Landlord's letting agents had made attempts to contact the Respondent in respect of addressing the rent arrears without success and explained that payment plans had not been followed through.
5. The Tribunal had regard to Rule 17(4) of the Rules which states that the Tribunal "*may do anything at a case management discussionincluding making a decision*" adjourned briefly to consider if the information before it at the CMD was sufficient to make a decision without further procedure. The Tribunal took the view that it had sufficient information and so proceeded to determine the Application.

Findings in Fact

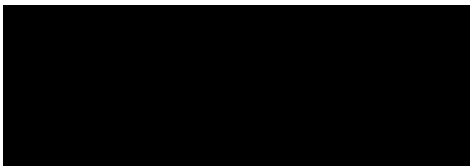
6. From the Application and the CMD, the Tribunal made the following findings in fact: -
 - i) There is a private residential tenancy of the Property between the Parties;
 - ii) The monthly rent is £325.00 plus payment of a Sky subscription;
 - iii) There are arrears of £2,694.86 due and owing by the Respondent to the Applicant.

Decision and Reasons for Decision

7. The Tribunal had regard to all the information before it and to its Findings in Fact. The Tribunal determined that the Order for payment should be granted.

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.



Legal Member/Chair

18 March 2022
Date