



**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/22/0246**

**Re: Property at 6 Landsdowne Road, Larkhall, ML9 2LB (“the Property”)**

**Parties:**

**C & M Nosredna, 3 Clairmont Gardens, Glasgow, G3 7LW, per Mr Barry Munro, GB Lets Ltd, 82 Union Street , Larkhall ML9 1DR (“the applicant”)**

**Mr Mark Harris, 6 Landsdowne Road, Larkhall, ML9 2LB (“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 to issue an Order for Payment by the respondent to the applicant of the sum of ONE THOUSAND SIX HUNDRED AND FIFTY POUNDS (£1650).**

**Background**

1. In terms of application dated 26 January 2022 the applicant seeks an order for payment in respect arrears of rent amounting to £1650 which accrued during the period 20 October 2021 to 20 January 2022.
2. The applicant provided a copy of the Private Rented Tenancy Agreement dated 20 June 2019 together a rent statement covering the period 20 October 2021 to 20 January 2022.
3. On 1 March 2022 a legal member of HPC, having delegated power for the purpose, referred the application to the tribunal for determination. A Letter of Intimation with Notice of the Case Management Discussion (CMD) together with a copy of the application and supporting documentation were served on the respondent by Sheriff Officer conform to Certificate of Intimation dated 15 March 2022.

4. The tribunal was satisfied that all relevant documents and intimation of the CMD had been duly served on the respondent in compliance with the requirements of Rule 24. The start of the CMD was delayed until approximately 14:10 by which time there was no appearance by or on behalf of the respondent. The tribunal determined that the respondent had voluntarily waived his right to be present or represented and was content to proceed in his absence.

### **Case Management Discussion**

5. Mr Munro confirmed that there had been no contact with the respondent and no further payment of rent had been made since the date of the application and the arrears of rent continued to mount.

### **Reasons for Decision**

6. 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, it was able to determine the application at the CMD.
7. The tribunal was satisfied with the information contained in the application and supporting documentation and as provided by Mr Munro at the CMD and accordingly determined to grant the order for payment of rent arrears in the sum of £1650.

### **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.**

**David Preston**

4 May 2022