



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

Chamber Ref: FTS/HPC/CV/22/0494

Re: Property at Flat 3/1, 1044 Maryhill Road, Glasgow, G20 9TE (“the Property”)

Parties:

Picture Living Investments LP, 305 Grays Inn Road, London, WC1X 8QR (“the Applicant”)

Ms Cahrys Crawford, Flat 3/1, 1044 Maryhill Road, Glasgow, (“the Respondent”)

Tribunal Members:

Karen Kirk (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted a Payment Order against the Respondent for £5100.

Present

Kenneth Caldwell, Patten and Prentice LLP, 2 Ardgowan Square, Greenock, PA16 attended for the Applicant.

The Respondent was not in attendance. A Sheriff Officer service failed previously and Service by Advertisement took place on 25th May 2022.

Introduction

This Hearing was a Case Management Discussion fixed in terms of Rule 17 of the Procedure Rules and concerned an Application for an Civil Proceedings concerning a private residential tenancy under Section 71 of the Private Housing (Tenancies)(Scotland) Act 2016.

The Hearing

The Applicant's representative set out the Applicant became aware following emergency access to the property that it may have been abandoned by the Respondent on or around October 2021. No notice was given. The property was recovered on or around April 2022 following this visit. The eviction application was withdrawn. However the Applicant's representative set out that the rent arrears for the property to date of recovery was £5949.45. However the Applicant sought a payment order for the sum of £5100 as at the rent statement lodged in the application of £5100 dated 28th February 2022.

The Applicant's representative said that the Respondents new address or whereabouts remained unknown. There has been no contact between parties. He sought a Payment order against the Respondent for the sum of £5100.

Findings in Fact

1. The Tribunal determined that it was in the interests of justice, parties and having regard to the overriding objective of the Tribunal for a decision to be made at the CMD in the absence of the Respondent. All necessary material was before the Tribunal in order to make a decision and the Respondent had been served by Advertisement.
2. The Applicant sought a Payment Order for £5100.
3. The Respondent entered into a Private Residential Tenancy for the property at on 4th October 2018.
4. The monthly rent due in terms of the said Tenancy is £450 per month.
5. The Respondent as at the date of this Application owed rent arrears to the Applicant of £5100, as supported by a rent statement lodged dated 28th February 2022.

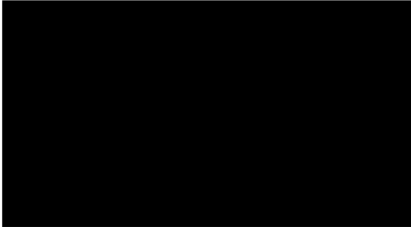
Reasons for the Decision

The Tribunal heard evidence from the Applicant's representative and considered that it was reasonable and appropriate to grant a Payment Order for £5100. The Tribunal had regard to the written evidence lodged in particular the rent statement for the property between the parties and the Private Residential tenancy. The Tribunal therefore granted a Payment Order for the sum of £5100.

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.



8th July 2022

Legal Member/Chair

Date