



**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/22/1790**

**Re: Property at 129 Braehead Road, Kildrum, Cumbernauld, G67 2BJ (“the Property”)**

**Parties:**

**Mrs Pamela Jane Gunn, 23 Greenfinch Avenue, Broadwood, Cumbernauld, G68 9GB (“the Applicant”)**

**Mr Michael Keane, c/o 210 Lime Crescent, Abrohill, G67 3PH (“the Respondent”)**

**Tribunal Members:**

**Karen Kirk (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”) granted an order for payment against the Respondent for £2827.20 with interest at 3 percent from the date of the decision.**

**1. Introduction.**

This Hearing concerned an Application under application for civil proceedings under Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016 in respect to an assured tenancy under the Housing (Scotland) Act 1988. The hearing took place by teleconference.

**2. Attendance and Representation.**

The Applicant was present.

The Respondent was not present.

**3. Preliminary Matters.**

The Applicant confirmed she had lodged a further up to date rent statement. This had been sent to the Respondent. She sought to reduce the sum sought from £3362.20 to £2827.20.

The Applicant confirmed she had had no recent contact with the Respondent. She had reason to email him recently and there was no reply.

The Directions issued to the Respondent on 14<sup>th</sup> September 2022 to allow the Respondent to prepare for this Hearing had not been complied with. This application had previously called before the Tribunal and the Tribunal had continued matters to allow the Respondent an opportunity to prepare his position. The Respondent did not comply with same nor attend the Hearing.

#### **4. Hearing**

The Applicant confirmed she sought a payment order for the amount of £2827.20. She referred to her rent statement lodged and written representations and submitted that the Respondent owed 7 months of rent at £575 per month in terms of the tenancy. She said housing benefit had been obtained at the amount of £686.20 and a return of the security deposit now in the sum of £535 had been received. An amount of £40 had been deducted for a freezer door matter. The Applicant said this meant that the Respondent owed £2827.20. She relied on her application and sought an order.

#### **5. Findings in Fact**

1. This Application is brought in terms of Rule 111 of the First-Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.
2. The Applicant is the heritable proprietor of the property at 129 Braehead Road, Kildrum, Cumbernauld.
3. The Applicant and the Respondent entered into an assured tenancy under the Housing (Scotland) Act 1988 for the property on 7th April 2017. .
4. Rent payable under this tenancy was £575 per month.
5. As at the date of the Hearing rent due by the Respondent to the Applicant was £2827.20.

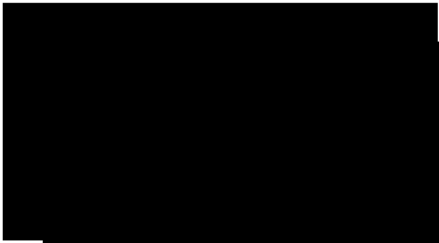
#### **6. Reasons for Decision**

The Tribunal was satisfied that the Applicant was the heritable proprietor of the Property. The Tribunal was satisfied that there was a Tenancy between parties and that on the evidence provided it was appropriate having regard to the evidence before it and the overriding objective of the Tribunal to make a payment order for the sum sought. The Respondent had been provided an opportunity to make representations and to lodge relevant documentation. The Tribunal issued Directions to this effect to the Respondent on 14<sup>th</sup> September 2022 and continued matters. The Respondent

failed to comply with the Directions and neither he or any representative attending the Hearing.

### **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.**



17<sup>th</sup> November 2022

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**Legal Member/Chair**

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**Date**