



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 (1) of the Private Housing (Tenancies) (Scotland) Act 2016 (“The Act”)

Chamber Ref: FTS/HPC/CV/22/1838

Re: Property at 22 Caird Gardens, Hamilton, ML3 0AT (“the Property”)

Parties:

Mr Stuart Denholm, 26 Silverwells Crescent, Bothwell, G71 8DP (“the Applicant”)

Mr Andrew Gallacher, 16 Kenmar Terrace, Hamilton, ML3 0LT (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) decided to grant the Application and made a Payment Order in favour of the Applicant against the Respondent in the sum of £2,250.00.

Background

The Applicant seeks a Payment Order for rent arrears in the sum of £2,250.00 said to have been accrued by the Respondent under a tenancy agreement between the parties. The Application is accompanied by a copy of the tenancy agreement and a rent statement.

The Case Management Discussion

The Application called for a Case Management Discussion (CMD) by conference call at 2pm on 13 October 2022. The Applicant was represented by Ms Joann Smith of Excel lettings. There was no appearance by or on behalf of the Respondent. On the basis that the Application and information about how to join the conference call had been competently served on the Respondent by sheriff officers, the Tribunal decided

to proceed in the Respondent's absence. Having considered the Application and having heard from Ms Smith, the Tribunal made the following findings in fact.

Findings in Fact

- I. The parties entered into a tenancy agreement whereby the Applicant let the Property to the Respondent;*
- II. The tenancy agreement commenced on 1 April 2021;*
- III. The contractual monthly rent was £2,250.00;*
- IV. The Respondent fell into rent arrears;*
- V. The sum claimed in the Application of £2,250.00 is lawfully due by the Respondent to the Applicant as arrears of rent but remains unpaid.*

Reasons for Decision

Having made the above findings in fact, the Tribunal decided to grant the Application and made a Payment Order in favour of the Applicant against the Respondent in the sum of £2,250.00

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.

Andrew McLaughlin

13 October 2022

Legal Member/Chair

Date