



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/22/2691

Re: Property at 73 Craigneuk Avenue, Airdrie, ML6 8BA (“the Property”)

Parties:

Dacasa Ltd, C/O Oscar IP and CO Accountants, 23 Argyle Street, Liverpool, L1 5BL (“the Applicant”)

Miss Michelle Hall, 73 Craigneuk Avenue, Airdrie, ML6 8BA (“the Respondent”)

Tribunal Member:

Karen Kirk (Legal Member) and Elizabeth Dickson (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 Respondents for £1750.74

1. Introduction

This Hearing concerned an Application for an civil proceedings in respect of a Private Residential Tenancy under Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016. The Hearing took place by teleconference.

2. Attendance and Representation

The Applicants were represented by Vikki McGuire, Jewel Homes, Atrium Business Centre North Caldeen Road Coatbridge ML5 4EF

The Respondent was not present. She had been served by Sheriff Officer on 17th October 2022 personally and received postal intimation of the outcome of the CMD and Directions previously issued.

3. Background/Preliminary Matters.

This Application called before the Tribunal alongside an Application for Eviction on 18th November 2022. The Tribunal adjourned to a Hearing and made a Direction to the Applicants to lodge an up to date rent statement with the Tribunal.

On the morning of the Hearing the Applicant's representative lodged an up to date rent statement. The Tribunal amended the sum sought as at the rent statement given the knowledge of the Respondent to £1750.74.

4. Hearing.

The Applicant's representative told the Tribunal that on a monthly basis the Respondent receives a note of her rent account by text and by letter. The Respondent would have been aware of the rent statement lodged today as same is dated December 2022. Rent arrears were £1750.74.

The Applicant's representative sought a payment order of £1750.74 in total.

5. Findings in Fact

1. The Tribunal was satisfied that a decision could be made in the absence of the Respondents at the Hearing and to do so would be in the interests of the parties, in the interests of justice and having regard to the Overriding objective. The Respondent had been served personally by Sheriff Officer and had not provided any written representations or appeared at the Hearing.
2. The Applicant and the Respondent entered into a Private Residential tenancy on 4th September 2020. A copy of the tenancy was lodged.
3. At per the said tenancy the rent per calendar month due was £525.
4. A rent statement dated December 2022 lodged showed rent arrears of £1750.74 and the Tribunal found in fact based on the evidence before it that the Respondent was liable for rent arrears due by her to the amount of £1750.74.

6. Reasons for Decision

The Tribunal was satisfied that the Applicants were the heritable proprietors 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 overriding objective of the Tribunal to make a determination in the absence of the Respondent. The Tribunal was satisfied that the respondent was in arrears of rent lawfully due and a Rent Statement for the property as at December 2022 was lodged. Rent owed from same amounted to £1750.74. Accordingly in terms of Section 71 of the Private

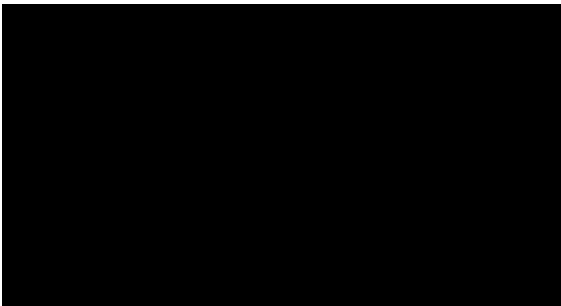
Housing (Tenancies) (Scotland) Act 2016 the Tribunal granted an Order for payment for the sum of £1750.74. against the Respondents.

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.

Since an appeal is only able to be made on a point of law, a party who intends to appeal the tribunal's decision may wish to request a Statement of Reasons for the decision to enable them to identify the point of law on which they wish to appeal. A party may make a request of the First-tier Tribunal for Scotland (Housing and Property Chamber) to provide written reasons for their decision within 14 days of the date of issue of this decision.

Where a Statement of Reasons is provided by the tribunal after such a request, the 30 day period for receipt of an application for permission to appeal begins on the date the Statement of Reasons is sent to them.



Legal Member

16th January 2023

Date