



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the Housing (Scotland) Act 2014

Chamber Ref: FTS/HPC/CV/22/4127

Re: Property at 15 Ashkirk Road, Strathaven, ML10 6JT (“the Property”)

Parties:

Miss Andrea McQuade, 2 Greystone Place, Strathaven, ML10 6NZ (“the Applicant”)

Leanne Young, 15 Ashkirk Road, Strathaven, ML10 6JT (“the Respondent”)

Tribunal Members:

Nicola Irvine (Legal 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 in favour of the Applicant in the sum of £6,050.

Background

1. The Applicant submitted an application under Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. The Applicant sought an order for payment in respect of rent arrears said to have been incurred by the Respondent.
2. By decision dated 6 February 2023, a Convenor of the Housing and Property Chamber, having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion (“CMD”).
3. The Notice of Acceptance was intimated to the Applicant’s representative on 6 February 2023. Letters were issued on 28 February 2023 informing both parties that a CMD had been assigned for 3 April 2023 at 10am, which was to take place by conference call. In that letter, the parties were also told that they required to take part in the discussion and were informed that the Tribunal could

make a decision today on the application if the Tribunal has sufficient information and considers the procedure to have been fair. The Respondent was invited to make written representations by 21 March 2023. No representations were received by the Tribunal.

The case management discussion

4. The CMD took place by conference call. The Applicant was represented by Miss Trevithick. The Respondent did not join the conference call and the discussion proceeded in her absence. The Applicant's representative explained that the Respondent failed to make any payment of rent after 12 January 2022. The Applicant recovered possession of the property on 2 February 2023. The total sum due by the Respondent in respect of rent arrears was £6,050 and the Applicant's representative moved for an order to be granted against the Respondent for that sum.

Findings in Fact

5. The parties entered into a short assured tenancy which commenced 13 September 2013.
6. The Respondent was obliged to pay rent at the rate of £550 per month.
7. The Respondent did not pay rent after 12 January 2022.
8. The Applicant recovered possession of the property on 2 February 2023, by which time the rent arrears had increased to £6,050, which sum remains unpaid.

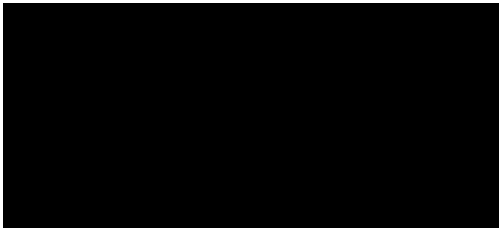
Reason for Decision

9. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the CMD. The Respondent failed to lodge written representations and failed to participate in the discussion. The Tribunal was satisfied that the Respondent owes the Applicant £6,050 and accordingly an order for payment was granted in that sum.

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.



3 April 2023

Date