



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

Chamber Ref: FTS/HPC/CV/23/0493

Re: Property at 3/2 59 Airlie Street, Hyndland, G12 9SR (“the Property”)

Parties:

Mr Christopher Smith, 8171 Aedan Court, San Diego, California, United States (“the Applicant”)

Mr Daniel Hewitt, UNKNOWN, (“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 £5,316.50 with interest running on that sum at the rate of 6 per cent per year from today’s date until payment.

Background

The Applicant seeks a Payment Order for rent arrears said to have been accrued by the Respondent under a tenancy between the parties. The Application is accompanied by a copy of the tenancy agreement and rent statements.

The Case Management Discussion

The Application called for a Case Management Discussion (CMD) by conference call at 10 am on 31 July 2023. The Applicant was represented by Mr McKeown of Jackson Boyd LLP. There was no appearance by or on behalf of the Respondent. The Application and information about how to join the conference call had been served on the Respondent by Advertisement on the Tribunal's website as their whereabouts could not reasonably be established. The Tribunal accordingly decided to proceed in the absence of the Respondent. Having heard from Mr McKeown, 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 on a Private Residential Tenancy;*
- II. *The Respondent fell into rent arrears and the sum claimed of £5,316.50 is lawfully due as arrears of rent by the Respondent to the Applicant but remains unpaid.*

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 £5,316.50 with interest running on that sum at the rate of 6 per cent per year from today's date until payment.

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.

A McLaughlin

Legal Member/Chair

31 July 2023
Date