



**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/23/1657**

**Re: Property at 20 Rose Street, Nairn, IV12 4AJ (“the Property”)**

**Parties:**

**Mrs Elke Ambrose, Mr Alisdair Ambrose, Frithview, 3 Links Place, Nairn, IV12 4NH (“the Applicant”)**

**Miss Maria Welsh, 20 Rose Street, Nairn, IV12 4AJ (“the Respondent”)**

**Tribunal Members:**

**Karen Kirk (Legal Member) and Sandra Brydon (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 the sum of £3954.**

## **1. Introduction**

This Case Management Discussion (CMD) concerned an Application for an Payment in respect of a Private Residential Tenancy under Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016. The CMD took place by teleconference. Parties were advised on the procedure of a CMD and the rules regarding them.

## **2. Attendance and Representation**

The Applicants were present and unrepresented.

The Respondent was not present. She had been served by Sheriff Officer on 7<sup>th</sup> July 2023.

### **3. Preliminary Matters.**

There was no Respondent in attendance. The Applicants said that they had tried to contact her through her preferred facebook messenger messages a couple of weeks ago but there was no response.

There were no preliminary matters discussed or raised by either party.

### **4. Case Management Discussion.**

*The Applicant.*

The Applicant's set out that they sought a Payment Order for the amount of £4964 . This was the amount as at the date of the Hearing. No up to date statement was produced or application to amend was made. The Applicant said whilst the application was for £3954, the arrears had continued. She had also specified in the application that they were seeking the amount owed at the date of the Tribunal. The Applicant said she contacts the Respondent once a month via facebook messenger to let her know they haven't received the rent. They had not been providing a running total of arrears. They had suggested payment plans when the Respondent lost her job and that benefits could be paid directly but nothing materialised.

### **Reasons for Decision and Findings in Fact**

- 1. The Tribunal was satisfied that a decision could be made at the Case Management Discussion 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 by Sheriff Officer on the 7<sup>th</sup> July 2023. No written representations or appearance had been made by the Respondent or a representative.**
- 2. The Applicants sought an Order for Payment for rent arrears.**
- 3. The Tribunal was satisfied that the Applicants were the heritable proprietors of the Property as a copy title was lodged with the Application.**
- 4. There was a PRT in place between parties dated 14<sup>th</sup> February 2020.**
- 5. Monthly contractual rent for the property was £500.**
- 6. The Tribunal was satisfied on balance that the Respondent in terms of the rent statements lodged with the application owed to the Applicant rent arrears amounting to £3954.**
- 7. No up to date rent statement or application to amend the sum sought had been made.**
- 8. Accordingly, in terms of Section 71 of the 2016 Act the Tribunal granted a Payment Order against the Respondent for the sum of £3954**

**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.**

K Kirk

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Legal Member/Chair

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Date

11 August 2023