



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/21/2511

Re: Property at 355 Grathellen Court, Merry Street, Motherwell, ML1 4BQ (“the Property”)

Parties:

Mr Walter Watson, Mrs Catherine Watson, 273 Brandon Street, Motherwell, ML1 1RS (“the Applicants”)

Mr Raymond Cairns, 55 Coronation Road, New Stevenston, Motherwell, ML1 4JD (“the Respondent”)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted a Payment Order against the Respondent for the sum of £3450.

Introduction

This CMD concerned an Application for Civil Proceedings in relation to a Short Assured Tenancy under Section 16 of the Housing (Scotland) Act 2014. The CMD took place by teleconference due to the covid-19 pandemic.

1. Attendance and Representation

The Applicant was represented by David Doig, Raeside Chisholm, Tontine House, 8 Gordon Street, Glasgow, G1 3PL.

The Respondent was not present. He was served by sheriff Officer on 22nd January 2022. The Respondent had not lodged written representations. There was no recent contact between the Applicant and Respondent or the Applicant’s representative and the respondent.

2. Preliminary Matters

The Respondent was not present. Service had been affected on 22nd January 2022.

There were no other preliminary issues raised.

3. Summary of Hearing

The Applicant's representative set out that the Applicant sought a payment order in terms of paragraph 5c of the application for £3450. He referred to the bank statement lodged detailing the rent account. The Applicant's representative said that the Respondent no longer resided in the property and on leaving had said he was due inheritance and would make payment but this has not happened. The Applicant's representative said that his firm had sent letters seeking payment on or around September 2021.

The Applicant's representative set out that he sought an Order for Payment for the sum of £3450 in terms of Section 71 Private Housing (Tenancies) (Scotland) Act 2016 .

4. Findings in Fact

- 1. The Tribunal was satisfied that a decision could be made in the absence of the Respondent at the CMD based on the information before the Tribunal. The Respondent had been served by Sheriff Officers service of the Application and notification of the CMD date on 22nd January 2022. It was in the interests of the parties having regard to the Overriding objective to proceed.**
- 2. The Applicant sought an Order for Payment.**
- 3. The Tribunal was satisfied on the evidence that the Applicant was the heritable proprietor of the Property as a copy title was lodged with the Application.**
- 4. There was a Short Assured Tenancy in place between parties dated 5th December 2014.**
- 5. The rental payment in terms of this agreement was £500 per calendar month.**
- 6. Rent due by the Respondent to the Applicant in terms of the statements lodged as at the application was £3450.**
- 7. The Tribunal was satisfied on balance that it was appropriate to grant a Payment Order for £3450.**
- 8. Accordingly, in terms of Section 16 of the 2014 Act the Tribunal granted a Payment Order against the Respondents.**

5. Reasons for Decision in Absence.

The Tribunal heard from the Applicant's representative and there was substantial productions relating to the property and rent arrears. The Respondent had been served and no payments to the sum due for some time. It was appropriate to grant the order as sought.

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.

Karen Kirk

Legal Member/Chair

16th February 2022

Date