



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 (Act)

Chamber Ref: FTS/HPC/CV/23/0366

Re: Property at 274 Dalriada Crescent, Motherwell, ML1 3YA (“the Property”)

Parties:

REWD LPB Limited, REWD Group HQ, Unit 4 Barons Court, Grangemouth, FK3 8BH (“the Applicant”)

Miss Charlene Gallagher, 274 Dalriada Crescent, Motherwell, ML1 3YA (“the Respondent”)

Tribunal Members:

Alan Strain (Legal Member) and Elizabeth Currie (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment be granted in the sum of £4,004.00.

Background

This is an application under Rule 111 of *The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (Rules)* and section 71(1) of the Act in respect of a claim for payment of alleged rent arrears.

The Tribunal had regard to the following documents:

1. Application received 6 February 2023;
2. Private Residential Tenancy Agreement (**PRTA**) commencing 10 June 2021;
3. Pre-Action Letters of 12 December 2022 and 6 January 2023;
4. Rent Arrears Statements at 10 November 2022 and at 1 May 2023;
5. Sheriff Officer Certificate of Service of Tribunal CMD Notification on Respondent dated 14 April 2023;

6. Written Representations from the Applicant dated 1 May 2023 enclosing up to date statement of rent arrears and seeking amendment of sum sued for.

Case Management Discussion (CMD)

The case called for a CMD by conference call on 19 May 2023. The Applicants did not participate but were represented by their Solicitor. The Respondent did not participate and was not represented.

The Tribunal delayed the start of the CMD to see if the Respondent would participate but she did not.

The Tribunal were satisfied that the Respondent had received notification of the Case Management Discussion and that the Tribunal could determine the matter if it considered it had sufficient information to do so and the procedure was fair. The notification also advised the Respondent that she should attend and the Tribunal could determine the matter in absence if she did not.

The Applicants' Representative confirmed that the amount of arrears had increased to £4,004. He sought the Tribunal's permission to amend the sum sued for.

The Tribunal granted this request and increased the sum sued for to £4,004.

The Tribunal then considered the documentary evidence it had received and the submissions made. In so far as material the Tribunal made the following findings in fact:

1. The Parties let the subjects under a PRTA commencing 10 June 2021;
2. The monthly rent was £475;
3. As at the date of the CMD the Respondent was in arrears of rent in the sum of £4,004.

Decision and Reasons

The Tribunal was satisfied that in the circumstances the Applicant was due the outstanding rent from the Respondent and granted the order 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.

Alan Strain

Mr Alan Strain

Legal Member/Chair

19 May 2023

Date
