



**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/20/1147**

**Re: Property at 19 Brankholm Gardens, Hamilton, Glasgow, ML3 9FH (“the Property”)**

**Parties:**

**Ms Ida Li, 14 Leechman Gardens, Bishopbriggs, Glasgow, G64 1GG (“the Applicant”)**

**Mr Derek Johnstone, 19 Brankholm Gardens, Hamilton, ML3 9FH (“the Respondent”)**

**Tribunal Members:**

**Alan Strain (Legal Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the order for payment be granted in the sum of £3,900.**

**Background**

This is an application under Rule 111 and section 71(1) of the Act in respect of alleged rent arrears during the tenancy of the Property.

The Tribunal had regard to the following documents:

1. Application received 4 May 2020;
2. Private Residential Tenancy Agreement (**PRTA**) commencing 14 November 2019;
3. Bank Statements;
4. Rent Statements;
5. Written Representations from Applicant dated 15 July 2020 copied to Respondent by email of same date;

6. Sheriff Officer Certificate of Service of Tribunal CMD Notification on Respondent dated 20 July 2020.

### **Case Management Discussion (CMD)**

The case called for a CMD by conference call on 14 August 2020. The Applicant participated and was not represented. The Respondent did not participate and was not represented.

The Tribunal delayed the start of the CMD to see if the Respondent would participate. The Respondent 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 he should attend and the Tribunal could determine the matter in absence if he did not.

The Tribunal had regard to the documentation lodged in support of the application.

The Tribunal granted the Applicant's application to amend the sum sued for to reflect the rental arrears as at 15 July 2020 which had been notified to the Respondent in the sum of £3,900.

Having considered the documentation, the Tribunal made the following findings in fact:

1. The Parties let the subjects under a PRTA commencing 14 November 2019;
2. The monthly rent was £650.00;
3. The Respondent was £3,900 in arrears of rent as at the date of the CMD.

The Tribunal considered that it had sufficient information to determine the matter at this stage and the procedure was fair.

The Tribunal was satisfied that the arrears had been established and accordingly granted the application for payment in the sum of £3,900.

### **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  
**Legal Member/Chair**

**14 August 2020**

**Date**

