



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the Housing (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/20/0664

Re: Property at Flat 1/2, 126 Neilston Road, Paisley, PA2 6EP (“the Property”)

Parties:

Ms Madhu Jain, 22 Seafield Aveune, Bearsden, Glasgow, G61 3LB (“the Applicant”)

Mr Juozas Kavaliukas, Flat 1/2, 126 Neilston Road, Paisley, PA2 6EP (“the Respondent”)

Tribunal Members:

George Clark (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application should be decided without a Hearing and made an Order for Payment by the Respondent to the Applicant of the sum of £1,393.

Background

By application, received by the Tribunal on 25 February 2020, the Applicant sought an Order for Payment in respect of unpaid rent that had become lawfully due by the Respondent to the Applicant. The sum sought was £1,393.

The application was accompanied by a copy of a Private Residential Tenancy Agreement between the Parties commencing on 19 July 2019 at a monthly rent of £249, with a deposit of £300, and a Rent Statement showing arrears as at 25 February 2020 of £1,393. £100 had been paid on 27 January 2020 and the only other payments had been £249 on 27 August 2019 and £250 on 22 July 2019.

On 15 September 2020, the Tribunal advised the Parties of the date and time of a Case Management Discussion and the Respondent was invited to make written representations by 6 October 2020. The Respondent did not make any written representations to the Tribunal.

Case Management Discussion

A Case Management Discussion was held by means of a telephone conference call on the morning of 14 October 2020. The Applicant was represented by Mrs Jacqueline McLelland and Miss Holly Campbell of Castle Residential, Paisley. The Respondent was not present or represented. The Applicant's representatives told the Tribunal that, since the date of the application, £546 had been paid towards the rent for the Property, but that the arrears now stood at £2,341. They asked the Tribunal to grant the Order sought, for £1,393.

Reasons for Decision

Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 provides that the Tribunal may do anything at a Case Management Discussion which it may do at a Hearing, including making a Decision. The Tribunal was satisfied that it had before it all the information and documentation it required to enable it to decide the application without a Hearing. The Tribunal was satisfied that the sum sought was lawfully due by the Respondent to the Applicant.

Decision

The Tribunal determined that the application should be decided without a Hearing and made an Order for Payment by the Respondent to the Applicant of the sum of £1,393.

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.

George Clark

Legal Member/Chair

14 October 2020

Date