



**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/18/2873**

**Re: Property at 86 Eastfield Road, Carluke, ML8 4NZ (“the Property”)**

**Parties:**

**Mr Beka Kurmashvili, 1 Murray Road, Carluke, ML8 5HR (“the Applicant”)**

**Ms Elizabeth Baird, 6A Kirkton Street, Carluke, ML8 4AB (“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 Respondent pay the sum of £1,470 to the Applicant.**

**Background**

This is an application under section 71(1) of the Act and Rule 111 of the Procedure Rules for payment in respect of rental arrears.

The Tribunal had regard to the following documents lodged with the application:

1. Application received 25 October 2018;
2. Rent Statements; and
3. Tenancy Agreement.

**Case Management Discussion (CMD)**

The case called for a CMD on 9 January 2019. The Applicant was present but the Respondent was not.

Alan Strain

The Tribunal were satisfied that notification of the CMD had been served upon the Respondent by Sheriff Officers on 11 December 2018. The notification had advised the Respondent that she was required to attend and that the Tribunal could make a decision regarding the application if it had sufficient information and the procedure was fair.

The Tribunal considered that it had sufficient evidence to establish that the parties had entered into a tenancy and the arrears at its conclusion were £1470. This justified the granting of the order sought and the procedure had been fair. The Tribunal accordingly granted the order having due regard to the overriding objective and the interests of justice.

### **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**

**Date**

*9 January 2019*