



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016.

Chamber Ref: FTS/HPC/CV/23/2210

Re: Property at Braeside Cottage, Gartliston Road, Coatbridge, ML5 2FG (“the Property”)

Parties:

Ms Lyudmyla Smith, Oaklands Manor, Coltswood Road, Coatbridge, ML5 2AB (“the Applicant”)

Mr Stuart Kerr, Miss Ashley Blair, Braeside Cottage, Gartliston Road, Coatbridge, ML5 2FG (“the Respondent”)

Tribunal Members:

Karen Kirk (Legal Member) and John Blackwood (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted an order for Payment for the sum of £7588.01.

1. Introduction

This Case Management Discussion (CMD) concerned an Application for civil proceedings in respect of a Private Residential Tenancy under Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016. The CMD took place by video conference. Parties were advised on the procedure of a CMD and the rules regarding them.

2. Attendance and Representation

The Applicant’s representative Brian Smith attended with the Applicant.

The Respondents were not present. They had been served by Sheriff Officer on the 7th September 2023.

3. Preliminary Matters

The Respondents were not present and no written representations had been received.

The Applicant's Representative referred to an email he lodged in September and which was sent by post to the Respondents by the Tribunal seeking to amend his related application for eviction to include Ground 12A, substantial rent arrears and to increase the sum sought. He had lodged with same a rent statement dated 15th September 2023 for rent arrears of £7588.01. He explained no payment to rent had been made by the Respondents since May 2023. The Tribunal considered the application for amendment and allowed the sum sought to be increased as per the rent statement as at 15th September 2023 which was intimated to the Respondents.

No further preliminary issues were raised.

4. Case Management Discussion

The Applicant's representative submitted that the Applicant sought an order for payment for the sum of £7588.01. He relied on the rent statement lodged as at 15th September 2023 showing the rent arrears for the tenancy as £7588.01. Contractual monthly rent for the property is £954.15. The last payment made to the rent by the Respondents was in May 2023.

5. Findings in Fact

1. The Tribunal was satisfied that a decision could be made at the Case Management Discussion and that to do so would not be contrary to the interests of the parties having regard to the Overriding objective. The Respondents had been served by Sheriff Officer but did appear or lodge written representations.
2. The Tribunal was satisfied that the Applicant was the heritable proprietor of the Property.
3. The Tribunal was satisfied that the tenancy was a Private Residential Tenancy by virtue that same commenced on 25th May 2018 and that the terms of the Private Housing (Tenancies) (Scotland) Act 2016 apply.
4. The Respondent's last payments to rent were in May 2023. Contractual monthly rent for the property is £954.15. The rent arrears as at the rent statement lodged dated 15th September 2023 are £7588.01.
5. Accordingly in terms of Section 71 of the 2016 Act the Tribunal granted an Order for Payment against the Respondents for £7588.01.

Reasons for the Decision

The Tribunal heard evidence from the Applicant's representative. The Respondents had not been in appearance or lodged written representations. They had been served by Sheriff Officer. The Tribunal considered the evidence was consistent with the submissions made of the Applicant's representative. The tenancy and rent statement lodged detailed the rent arrears due. On the basis of the information before the Tribunal the Tribunal determined it was appropriate to grant an Order for Payment for the sum of £7588.01.

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.



11th October 2023

Legal Member

Date