



**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/19/3017

**Re: Property at 27 Mill Street, Ochiltree, Cumnock, Ayrshire, KA18 2NS (“the
Property”)**

Parties:

**Mr Douglas Lyons, 26 Mainsacre Drive, Stonehouse, Larkhall, ML9 3QH (“the
Applicant”)**

Ms Margaret Masi, UNKNOWN, UNKNOWN (“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 £2,531 to the
Applicant**

Background

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

The Tribunal had regard to the following documents:

1. Application received 25 September 2019;
2. Private Residential Tenancy Agreement (**PRTA**) commencing 27 March 2018;
3. Certificate of Service by Advertisement;
4. Updated Schedule of Rent Arrears as at date of CMD.

Case Management Discussion (CMD)

Alan Strain

The Applicant did not appear but was represented by his Solicitor. The Respondent did not appear and was not represented.

The Tribunal was satisfied that the Respondent had notification of the CMD under reference to the Certificate of Service by Advertisement. The Tribunal was satisfied that the Respondent was aware that the CMD could proceed in her absence and that the Tribunal could make a Decision at the CMD if it had sufficient information upon which to do so and the procedure was fair.

The Tribunal considered the updated Schedule of Rent Arrears that had been produced and granted the Applicant's motion to amend the sum sued for to £2,964.

The Tribunal then considered the papers and found the following facts admitted or established:

1. The Parties entered in to a PRTA commencing 28 March 2018;
2. The monthly rent was £433;
3. As at the date of the CMD the amount of rent arrears was £2,531.

The Tribunal was satisfied that it had sufficient information to determine the matter at this stage and the procedure was fair. The Tribunal found that the Respondent owed the Applicant the sum of £2,531 in respect of rent and that an order should be granted for payment to that effect.

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

26 February 2020

Legal Member/Chair

Date