



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/22/1375

Re: Property at 3 Allison Place, Carstairs Junction, Lanark, ML11 8RQ (“the Property”)

Parties:

Dr Rebecca Brown, 82 Falcon Court, Edinburgh, EH10 4AG (“the Applicant”)

Mr Kieran Jardine, 3 Allison Place, Carstairs Junction, Lanark, ML11 8RQ (“the Respondent”)

Tribunal Members:

Anne Mathie (Legal Member) and Helen Barclay (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order in the sum of one thousand four hundred and fifty pounds sterling be made in respect of rent arrears.

Background

1. An application was made dated 22 April 2022 in terms of Rule 111 of the Chamber Rules for a Payment Order in respect of rent arrears (this was conjoined with a later application for an eviction order regarding the same Property reference FTS/HPC/EV/22/1916 dated 15 June 2022). Along with the application form, the Applicant purported to lodge the following documents:
 - Copy tenancy agreement
 - Copy rent statement
2. The Tribunal wrote to the Applicant on 12 May 2022 asking for a copy of the tenancy agreement and the rent statement as these appeared to have been omitted. The Applicant provided a copy of the documents by email on 13 May 2022

3. The application was accepted and assigned to a case management discussion however there was some difficulty identifying the Applicant as owner of the Property. The Applicant provided copies of documents proving ownership of the Property.
4. Intimation of the application and the case management discussion were served on the Respondent by Sheriff Officers on 6 July 2022. The Respondent was advised that he was required to submit any written representations in response to the application by 27 July 2022.
5. No written representations have been received from the Respondent.
6. The Respondent was advised in the correspondence served on him that:

“The Tribunal may do anything at a case management discussion which it may do at a hearing, including making a decision on the application which may involve making or refusing a payment order. If you do not take part in the case management discussion, this will not stop a decision or order being made by the Tribunal if the Tribunal considers that it has sufficient information before it to do so and the procedure has been fair.”

The Case Management Discussion

7. The case management discussion took place today by teleconference. The Applicant appeared on her own behalf and the Respondent did not attend. The Applicant explained the rent arrears figure of £1450 at the date of the application with reference to the rent statement lodged.

Findings in Fact

- The parties entered into a private residential tenancy agreement commencing 30 August 2021.
- By virtue of said tenancy agreement rent was due to be paid at the rate of £450 per calendar month.
- At the time of the application the Respondent was in arrears of rent in the sum of £1450.

Reasons for Decision

8. The Tribunal took into account the oral submissions of the Applicant today along with the documents before it. There was nothing challenging this evidence.

Decision

9. The Tribunal grants a payment order for the sum of £1450 in respect of rent arrears.

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.

A. Mathie

Legal Member/Chair

Date: 12 August 2022