



**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**

Chamber Ref: FTS/HPC/CV/19/3872

Re: Property at 12D York Way, Renfrew, PA4 0NL (“the Property”)

Parties:

**Mr Ian Reilly, Mrs Elizabeth Reilly, C/o Ritehome Ltd, 350 Glasgow Harbour
Terraces, Glasgow, G11 6EG (“the Applicant”)**

**Miss Ashleigh Smyth, Mr Alan Dunn, UNKNOWN, UNKNOWN (“the
Respondent”)**

Tribunal Members:

Yvonne McKenna (Legal Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that**

BACKGROUND

1. This is an application by the Applicant for payment in respect of arrears of rent in the amount of £1501.50 at the date the application was lodged with the Tribunal.
2. In support of the application the Applicant provided; -
 - the copy Private Residential Tenancy Agreement between the parties
 - a Rent Statement showing arrears and late payments
3. By Notice of Acceptance dated 18th December 2019 a Legal Member of the Tribunal with delegated powers of the Chamber President intimated that there were no grounds for rejecting the application. A Case Management Discussion (CMD) was assigned for 3rd February **2020 at 14.00 at Glasgow**

Tribunals Centre. This first CMD was cancelled as sheriff officers were unable to effect service on the Respondent.

4. Service was effected by advertisement on the Tribunals website on 5th February 2020 and a further CMD scheduled for 11th March 2020 at 11.30am in Glasgow Tribunals Centre, Room 108, 20 York Street, Glasgow, G2 8GT.
5. The Respondent did not make any written representations to the Tribunal.

THE CASE MANAGEMENT DISCUSSION (CMD)

6. The Case called for a CMD on 11th March 2020 at 11.30 am. The Applicant was represented by Mr. Robert Nixon of Ritehome Ltd. The Respondent was not present or represented.
7. The Tribunal were satisfied that the Respondent had notification of the CMD and the fact that the Tribunal could proceed in the Respondent's absence and determine the matter if it had sufficient information to do so and the procedure was fair. The Tribunal accordingly decided to proceed with the CMD.

FINDINGS IN FACT

8. The Tribunal considered the evidence and made the following findings in fact;
 - By a Private Residential Tenancy Agreement commencing 20th September 2018 the Applicant rented the Property to the Respondent.
 - The Property is owned by the Applicant.
 - The rent payable was £495 per calendar month payable in advance.
 - The Respondent fell into arrears of rent
 - The Applicant presented an application to the Tribunal seeking an order for payment
 - As at the date of the application to the Tribunal (4th December 2019) the arrears of rent amounted to £1501.50. As at the date of the CMD today the arrears were still the same.

REASONS FOR DECISION

9. Regulation 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 provides that the Tribunal may do anything at a CMD which it may do at a Hearing including making a Decision. The Tribunal were satisfied that it had enough information to determine the matter at the CMD and the procedure had been fair. The Tribunal was satisfied that the amount sought had become lawfully due by the Respondent to the Applicant.

DECISION

10. The Tribunal determined that the application should be determined without a Hearing and granted the order for payment by the Respondent to the Applicant of the sum of in the sum of ONE THOUSAND FIVE HUNDRED AND ONE POUNDS AND FIFTY PENCE (£1501.50) .

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.

Yvonne McKenna

11th March 2020

Legal Member/Chair

Date