



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section under Section 16 of the Housing (Scotland) Act 2014

Chamber Ref: FTS/HPC/CV/20/1723

Re: Property at 3 McLellan Street, Dumfries, DG1 2JN (“the Property”)

Parties:

Mr David Rae, Northfield, Auldgirth, Dumfries, DG2 0TR (“the Applicant”)

Mr Philip Lee Glover, Ms Claire Louise Searle, 3 McLellan Street, Dumfries, DG1 2JN (“the Respondents”)

Tribunal Members:

Helen Forbes (Legal Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment should be granted in favour of the Applicant in the sum of £3900.

Background

1. This is an application dated 17th August 2020, made in terms of Rule 111 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 as amended (“the Rules”) seeking an order for payment in the sum of £3900. The Applicant included with the application a copy of the tenancy agreement between the parties, which tenancy commenced on 23rd January 2019, and rent statement.
2. Intimation of the action and notification of a Case Management Discussion upon the Respondents was made by Sheriff Officers on 10th September 2020.

Case Management Discussion

3. A Case Management Discussion (“CMD”) took place by telephone conference on 6th October 2020. The Applicant was in attendance. The Respondents were not in attendance. The Tribunal delayed the start of the CMD to allow further time for the Respondents to attend.

4. The Tribunal considered the terms of Rule 29 of the Rules. The Tribunal determined that the Respondents had been given reasonable notice of the time and date of the CMD, together with details on joining the telephone conference. The Tribunal determined that the requirements of Rule 24(1) had been satisfied and that it was appropriate to proceed with the application in the absence of the Respondents upon the representations of the Applicant and the material before the Tribunal.
5. The Applicant asked for the order to be granted in the sum of £3900. No rent has been paid since November 2019.

Findings in Fact

6.
 - (i) The parties entered into a private residential tenancy agreement in respect of the Property commencing on 23rd January 2019.
 - (ii) The monthly rent was £450.
 - (iii) The Respondents have failed to make payment of rent lawfully due in the sum of £3,900.
 - (iv) The Applicant is entitled to recover rent lawfully due in terms of the tenancy agreement.

Reasons for Decision

7. The Respondents have failed to make payment of rent lawfully due in terms of the tenancy agreement. The Applicant is entitled to recover the rent lawfully due.

Decision

8. An order for payment is granted in favour of the Applicant in the sum of £3900.

Right of Appeal

9. **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.

Helen Forbes

Helen Forbes

Legal Member/Chair

6th October 2020
Date