



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/19/2892

Re: Property at 31 Grammar School Walk, Uddingston, Glasgow, G71 7BE (“the Property”)

Parties:

Mr Stephen O’Neil, 6 Waterfront, Clydebrae Drive, Bothwell, Glasgow, G71 8SB (“the Applicant”)

Miss Harley Brown, Mr John Moore, Flat 3, 31 Silverwells Crescent, Bothwell, G71 8DP; UNKNOWN, UNKNOWN (“the Respondent”)

Tribunal Members:

Lesley Ward (Legal Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the respondents pay to the applicant the sum of five thousand five hundred and sixty pounds (£5560) with interest at 2 percent per annum from 3 February 2020 until payment.

1. This was an adjourned case management discussion ‘CMD’ regarding an application to recover rent arrears in terms of s71(1) of the Private Housing(Tenancies)(Scotland) Act 2016, ‘the Act’ and rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber Procedure Regulations 2017, ‘the rules’. A first CMD on 17 December 2019 was adjourned for service by advertisement on the second respondent and for the applicant to lodge an amended rent statement.
2. The applicant’s solicitor lodged an amended application and rent statement on the 19 December 2019. Service by advertisement against the second respondent was carried out on 9 January 2020.

3. The tribunal had before it the following copy documents:
 - Application dated 12 September 2019.
 - Private residential tenancy 'PRT' agreement between the parties dated 31 January 2019.
 - Rent statement with rent arrears as at 30 September 2019 of £4800.
 - Land certificate.
 - Amended application dated 19 December 2019.
 - Amended rent statement with rent arrears as at 19 October 2019 of £5560.
 - Sheriff Officer's execution of service of the application on the first respondent dated 20 November 2019.

4. The applicant was represented at the CMD by Miss Matheson solicitor. The respondent's did not attend and were not represented. Service of the application was successful against the first respondent and service on the second respondent was carried out by advertisement. The first respondent had received intimation of the amended application by the tribunal in the normal way. The tribunal was satisfied that appropriate notification had been carried out in terms of rule 24 and proceeded with the CMD in terms of rule 29.

5. Miss Mattheson was seeking an order for the increased sum of £5560 with interest. The PRT between the parties does not provide for interest so she was seeking an order for interest from the tribunal.

6. Preliminary matter

The tribunal noted that the PRT referred to a deposit of £1800. The tribunal adjourned for Miss Matheson to ascertain whether that sum had been retained by the applicant and whether it was available to satisfy part of the rent arrears. After adjourning she advised that it had been exhausted by the damage to the property and there was an additional shortfall due to the extent of the damage.

7. Findings in fact.

- The applicant is the owner and landlord of the property.
- The parties entered into a PRT for let of the property on 31 January 2019 with an agreed monthly rent of £1200.
- Rent arrears of £5560 accrued from 31 May 2019 until 19 October 2019 when the respondents left the property.
- The sum of £5560 remains outstanding.

8. Reasons

This was an undefended application to recover rent arrears arising out of a PRT. The tribunal was satisfied that it had sufficient information before it to make a decision at the CMD and that the procedure had been fair. The tribunal accordingly granted an order for payment of the sum of £5560 with interest at 2 percent per annum.

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.

Lesley Ward
Lesley A Ward / Legal Member

3 February 2020

Date