



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/19/3650

Re: Property at 11 Townhead Street, Hamilton, ML3 7BQ (“the Property”)

Parties:

Mr Shakil Ahmed, c/o 23 Townhead Street, Hamilton, ML3 7BQ (“the Applicant”)

Miss Maria Ann Kenny, Mr Keven Morton Scott, 11 Townhead Street, Hamilton, ML3 7BQ (“the Respondents”)

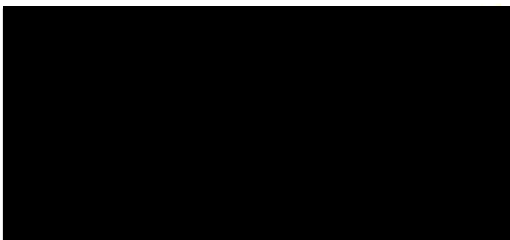
Tribunal Members:

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 two thousand one hundred pounds and three pence (£2100.03).

1. This was a 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’.
2. The tribunal had before it the following copy documents:
 - Application dated 8 November 2019 and received by the Tribunal on 12 November 2019.



- Private residential tenancy 'PRT' agreement between the parties dated 15 October 2018.
- Rent statement with rent arrears as at 2 September 2019 of £1849.95
- Rent statement with rent arrears as at 5 December 2019 of £2100.03.
- Land certificate.
- Sheriff Officer's execution of service of the application on the respondents dated 6 January 2020.

3. The applicant was represented at the CMD by Mr Coyle solicitor. The respondents did not attend and were not represented. The tribunal had sight of the sheriff officer's execution of service referred to above and was satisfied that the respondents had received notice in terms of rule 24. The tribunal proceeded with the CMD in terms of rule 29.

4. Preliminary matter

The tribunal noted that the application referred to the sum of £2299.95 but the rent statement lodged had a calculation of arrears of £2100.03 as at 5 December 2019. Mr Coyle stated that he was content with an order for £2100.03 as he has not lodged an amended statement with the current arrears. He stated the arrears have increased further and continue to accrue at the rate of £100 per month.

5. 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 15 October 2018 with an agreed monthly rent of £450.
- Rent arrears of £2100.03 accrued from December 2018 until 5 December 2019.
- The sum of £2100.03 remains outstanding.

6. 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 £2100.03.

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.

3 February 2020

Lesley A Ward Legal Member

Date