



**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/20/0596**

Re: Property at 66 Hareleeshill Road, Larkhall, ML9 2RB (“the Property”)

Parties:

Mr Roger Ivimy, c/o 5 Wellgate Street, Larkhall, ML9 2AG (“the Applicant”)

Mr Robert Myles Daniel Hamilton, Ms Ashley Caroline Fallow, 66 Hareleeshill Road, Larkhall, ML9 2RB; 66 Hareleeshill Road, Larkhall, ML9 2RB (“the Respondent”)

Tribunal Member:

Martin McAllister (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order be made against the Respondent for payment of the sum of ONE THOUSAND SIX HUNDRED AND FORTY POUNDS (£640) to the Applicant.

Background

On 18TH February 2020 the Applicant submitted an application to the First-tier Tribunal for Scotland seeking payment of the sum of £1,640 in respect of rent arrears.

The date of the case management discussion was intimated to the Respondents who made no written representations.

A case management discussion was held on 3rd August 2020. It was held by audio conferencing because of the current public health emergency.

The case management discussion

There was no appearance by the Respondents and the start of the case management discussion was delayed until 10.10am.

Ms Euphemia Matheson, solicitor, appeared on behalf of the Applicant. She lodged an up to date rent statement which showed that no rent had been paid since 1st November 2019 and that the balance currently outstanding is £3,315. She said that her client was not seeking to amend the amount sought and that he was looking for a decree in the sum of £1,640.

The purpose of a case management discussion was explained by the Legal Member. Ms Matheson invited the Tribunal to determine the matter at the case management discussion and not to fix a Hearing.

Findings in Fact

1. The parties entered into a private residential tenancy agreement in respect of the Property.
2. The private residential tenancy agreement was dated 11th and 12th March 2019.
3. The tenancy commenced on 12th March 2019.
4. The monthly rent due under the private residential tenancy was £375.
5. The sum due and unpaid in respect of rent as at 12th February 2020 was £1,640.

Documents before Tribunal

1. Private residential tenancy agreement dated 11th and 12th March 2019.
2. Rent statement from 12th March 2019 to 12th February 2020.
3. Rent statement from 12th March 2019 to 12th July 2020.
4. Sheriff Officer Certificates of Citation dated 26th June 2020

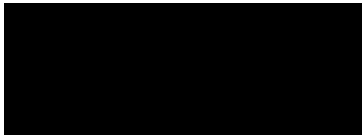
Reasons

The Tribunal accepted that the Respondents owed at least £1,640 to the Applicant in respect of rent arrears. The case management discussion had been intimated to the Respondents who had made no written representations or appearance. The Tribunal was satisfied that intimation of the case management discussion had been made on the Respondents. The Tribunal had no reason to dispute the accuracy of the rent statement showing the sum due to be £1,640 and it accepted that the Respondents had a contractual obligation to make payment of the rent in terms of the private residential tenancy agreement. It made no finding in respect of the current level of arrears because it was not

**asked to and no evidence was produced that intimation of the second rent statement had been made on the Respondents.
The Tribunal saw no reason not to make an order and considered that it was not necessary to continue determination of the application to a Hearing.**

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.



**Martin J. McAllister, Legal Member
3rd August 2020**