



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/20/2352

Re: Property at 7 Kilmory Court, East Kilbride, South Lanarkshire, G75 9NF (“the Property”)

Parties:

Mr Robert John Paton Maxwell, MX Independent Financial Services Ltd, 6 Waterside Street, Largs, Ayrshire, KA30 6LN (“the Applicant”)

Mr Craig Eric McPhee, UNKNOWN, UNKNOWN (“the Respondent”)

Tribunal Members:

Mark Thorley (Legal Member) and Ann Moore (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment by the Respondent to the Applicant of the sum of £4255 (Four Thousand Two Hundred and Fifty Five Pounds) be made.

Background

The applicant applied to The First-tier Tribunal for Scotland under rule 111. The application was dated 30 November 2020. The applicant had lodged a previous application. The applicant was seeking to recover rent arrears of the sum of £4,255. Accompanying the application was a Rent Arrears Schedule together with Tenancy Agreement.

The application was accepted by letter dated 16 December 2020. A case management hearing was then assigned for 30 April 2021 which required to be continued on the basis that the respondent did not appear to be within the property

any longer. The application was then served by way of advertisement. A hearing was set down for 17 May 2021.

Case Management Discussion

At the case management discussion the applicant attended on the teleconference. There was no appearance by or for the respondent.

There had been no written representations by the respondent.

The applicant was able to advise that in fact the figure outstanding at present was £4,780. Payments had continued to come in by way of housing benefit.

Findings in Fact

1. The parties entered into a Private Residential Tenancy Agreement for the property at 7 Kilmory Court, East Kilbride, Lanarkshire G75 9NF dated a commencement date of 1 January 2020. Rent was due to be paid at the rate of £600 per calendar month.

2. At 1 December 2020 the rent outstanding was £4,255.

Reasons for Decision

The applicant had produced the Private Residential Tenancy Agreement together with a Statement of Rent. The applicant spoke to the amount of rent outstanding. He did describe that rent was now outstanding in the sum of £4,780 but acknowledged that this had not been intimated to the respondent or indeed to the Tribunal and accordingly the figure that was in the application was the one that required to be taken into account.

The Tribunal accepted the written evidence provided and also the oral evidence provided by the applicant. Accordingly the Tribunal accepted that a figure of £4,255 was due by the respondent to the applicant.

Decision

An order for payment by the respondent to the applicant of the sum of £4,255.

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.

M Thorley

17 May 2021

Legal Member/Chair

Date