

Housing and Property Chamber
First-tier Tribunal for Scotland



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/20/2475

Re: Property at 9 Gigha Lane, Irvine, KA11 1DQ (“the Property”)

Parties:

Mr Danny Grout, Mrs Anita Grout, C/O 1-2-Let Lettings and Sales, 104 Bellgrove Street, Glasgow, G31 1AA (“the Applicant”)

Miss Jasmin Gill, 9 Gigha Lane, Irvine, KA11 1DQ (“the Respondent”)

Tribunal Members:

Helen Forbes (Legal 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 should be granted in favour of the Applicant in the sum of £2600.

Background

1. This is an application dated 26th November 2020 for an order for payment under Rule 111 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 as amended (“the Rules”). The Applicant’s representative lodged a rental statement with the application, showing rent arrears outstanding in the sum of £2600, and a copy of a private residential tenancy agreement between the parties pertaining to the Property that commenced on 24th January 2019. The rent was £450 per month.
2. Sheriff Officers served notification of a Case Management Discussion scheduled for 29th January 2021 on the Respondent on 17th December 2020.
3. At the Case Management Discussion on 29th January 2021, neither party was in attendance. It transpired that the person dealing with the case on behalf of the Applicant was on sick leave and no one else was able to participate in the

CMD. The Tribunal considered dismissal of the case in terms of Rule 27. The Tribunal considered it would be in the interests of justice to continue the case to a further CMD to allow appearance by the parties and/or their representatives.

4. A further Case Management Discussion was set down for 1st March 2021. Parties were notified by letter dated 9th February 2021.

Case Management Discussion

5. A Case Management Discussion took place by telephone conference on 1st March 2021. The Applicant was not in attendance and was represented by Mr Vincent Friel. The Respondent was not in attendance.
6. The Tribunal considered the terms of Rule 29 of the Rules. The Tribunal determined that the Respondent had been given reasonable notice of the time and date of the CMD and that the requirements of Rule 17(2) had been satisfied and it was appropriate to proceed with the application in the absence of the Respondent.
7. Mr Friel said the arrears have continued to accrue as no payment of rent has been made since the application was lodged. As no application had been made to increase the sum sought, in terms of Rule 14A, Mr Friel asked for an order for payment to be granted in the sum of £2600.

Findings in Fact

8.
 - i. Parties entered into a private residential tenancy agreement in respect of the Property that commenced on 24th January 2019 at a rent of £450 per month.
 - ii. Rent lawfully due in terms of the tenancy was not paid by the Respondent.
 - iii. The Applicant is entitled to recover rent lawfully due.

Reasons for Decision

9. The Respondent has failed to make payment of rent lawfully due. The Applicant is entitled to recover rent lawfully due in terms of the tenancy agreement between the parties.

Decision

10. An order for payment is granted in favour of the Applicant in the sum of £2600.

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.

Helen Forbes

Date: 1st March 2021

Legal Member/Chair