



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 70(1) of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/21/2665

Re: Property at 32 Ashfield, Bishopbriggs, G64 3DR (“the Property”)

Parties:

Mrs Catherine Brown, 4 Croftwood, Bishopbriggs (“the Applicant”)

Mr George McMurray, Miss Nicola McMurray, 32 Ashfield, Bishopbriggs, G64 3DR; 32 Ashfield, Bishopbriggs, G64 3DR (“the Respondent”)

Tribunal Members:

Ruth O'Hare (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to make an order in the sum of Three thousand one hundred and fifty one pounds and eighty five pence (£3,151.85)

Background

- 1 The Applicant submitted an application seeking an order for payment in the sum of £3,151.85. That sum related to arrears of rent incurred by the Respondents in respect of their occupation at the property. The Tribunal issued a letter to the parties advising them of the date, time and conference call details of today's case management discussion. In that letter, the parties were also told that they required to participate in the case management discussion and were informed that the Tribunal could make a decision on the application if the Tribunal has sufficient information and considers the procedure to have been fair. The Respondents were invited to make written representations in response to the application. No written representations were received from the Respondents.

The Case Management Discussion

- 2 The Case Management Discussion took place on 27 January 2022. The Applicant was personally present. The Respondents were not present. The Legal Member noted that they had been served with a copy of the application paperwork together with the date and time of the case management discussion and therefore determined to proceed in their absence.
- 3 The Applicant confirmed that a previous order in the sum of £3800 had been granted by the Tribunal, the present application related to further arrears which had accrued since the granting of that order. The Applicant outlined difficulties she had faced with the Respondent, whose tenancy had terminated earlier that week. It was likely that a further application to the Tribunal would be required for the final balance of arrears and the cost of damages to the property.
- 4 The Applicant explained that a letting agent had been managing the property, but had terminated the contract in December 2021 and since then she had struggled to get any information from them. She was therefore considering an application for breach of the Letting Agent Code of Conduct. The Applicant explained that her late husband had previously dealt with the tenancy and she had found it difficult to get to grips with the situation. She advised that she had sought advice from the Citizens Advice Bureau and was waiting for them to get in touch.

Findings in Fact

- 5 The parties entered into a Tenancy Agreement dated 21 December 2015.
- 6 The rent payable was £650 per month.
- 7 The Respondents have incurred rent arrears amounting to £3151.85 as at 28 October 2021.
- 8 The Applicant is entitled to the Order sought for payment in the sum of £3151.85.

Reason for Decision

- 9 The Applicant has produced documentation which shows that the Respondents have incurred rent arrears to the extent of £3,151.85 as at 28 October 2021. The Respondents had an opportunity to make written submissions if they so wished; they also had an opportunity to participate in the case management discussion but failed to do so. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the case management discussion. The Tribunal was satisfied that the Respondents are liable to pay rent arrears and therefore granted the order for payment.

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.

R O'Hare

27 January 2022

Legal Member/Chair

Date