



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the Housing (Scotland) Act 2014

Chamber Ref: FTS/HPC/CV/21/2767

Re: Property at 10c Willow Drive, Airdrie, ML6 8AN (“the Property”)

Parties:

MAU Investments Ltd, incorporated under the Companies Acts and having their registered office at Oak Cottage, Bridge Road, Colby, Aylsham, Norfolk, NR11 7EA (“the Applicant”)

Ms Kim McGuire, 58 Tollbrae Avenue, Airdrie, ML6 9NG and Mr Gary Rutherford, whose present whereabouts are unknown (“the Respondent”)

Tribunal Members:

George Clark (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application should be determined without a Hearing and made an Order for Payment by the Respondent to the Applicant of the sum of £850.

Background

By application, received by the Tribunal on 8 November 2021, the Applicant sought an Order for Payment in respect of unpaid rent that had become lawfully due by the Respondent to the Applicant. The sum sought was £850.

The application was accompanied by a copy of a Private Residential Tenancy Agreement between the Parties commencing on 22 June 2020 at a rent of £425 per month, and a Rent Statement showing arrears, after deduction of the deposit that had been repaid to the Applicant in June 2021, of £850. The Applicant stated that the Respondent had vacated the Property on 18 March 2021.

On 7 March 2022, the Tribunal advised the Parties of the date and time of a Case Management Discussion, and the Respondent was invited to make written representations by 25 March 2022. Service on the second-named Respondent was

by advertisement on the Chamber website from 7 March 2022 until 26 April 2022. The Respondent did not make any written representations to the Tribunal.

Case Management Discussion

A Case Management Discussion was held by means of a telephone conference call on the morning of 26 April. The Applicant was represented by their managing Director, Mr Dennis Croll. The Respondent was not present or represented. Mr Croll asked the Tribunal to make the Order sought without a Hearing.

Reasons for Decision

Rule 17 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 provides that the Tribunal may do anything at a Case Management Discussion which it may do at a Hearing, including making a Decision. The Tribunal was satisfied that it had before it all the information and documentation it required to enable it to decide the application without a Hearing.

The Tribunal was satisfied that the sum sought had become lawfully due by the Respondent to the Applicant.

Decision

The Tribunal determined that the application should be determined without a Hearing and made an Order for Payment by the Respondent to the Applicant of the sum of £850.

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.

George Clark

Legal Member/Chair

26 April 2022
Date