



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

Chamber Ref: FTS/HPC/CV/21/2907

Re: Property at 31 The Braes, Saltcoats, KA21 5EP (“the Property”)

Parties:

Mr Sajid Afzal, 85 Dockhead Street, Saltcoats, KA21 5ED (“the Applicant”)

Mr Brian Irwin, 31 The Braes, Saltcoats, KA21 5EP (“the Respondent”)

Tribunal Members:

Susan Christie (Legal Member) and Tony Cain (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order be granted against the Respondent for payment of £7,981.25 to the Applicant.

Background

1. The application was made on 22 November 2021 and accepted by the tribunal on 12 January 2022. The Applicant seeks a payment order.
2. The paperwork was served on the Respondents by letterbox by Sheriff Officers service on 10 February 2022.
3. Written representations were invited by 2 March 2022. None were submitted by the Respondent.

The Case Management Discussion- 23 March 2022 at 10 a.m.

4. A Case Management Discussion (CMD) took place on 23 March 2022 by conference call.
5. The Applicant was represented by Ms Styles of Move 2 Lettings Ltd.
6. The Respondent did not participate. The tribunal had sight of an execution of service by Sheriff Officers of the tribunal papers on the Respondent, on 10 February 2022. As proper intimation had been made, the tribunal was satisfied that the procedure was fair and proceeded in the Respondent's absence.

7. The paperwork submitted along with the Application was examined and discussed alongside the recently lodged documents that included an up to date rent schedule and letter to the Respondent intimating that the rent arrears now stood at £8076.25 considering the rent payment due on 25 March 2022.
8. The Applicant is the registered owner of the Property and landlord.
9. A Private Residential Tenancy (PRT) was entered into between the Applicants and the Respondent on 30 April 2018, with a start date of 14 May 2018. The document itself was erroneously named a Short Assured tenancy.
10. The rent is £95 per week payable in advance on the same day each week.
11. The rent arrears figure is £7981.25.
12. The last payment made towards unpaid rent was £500 on 29 October 2021.
13. A payment order is sought, with interest.

Findings in Fact

- I. A Private Residential Tenancy (PRT) was entered into between the Parties on 30 April 2018, with a start date of 14 May 2018.
- II. The contractual rent is £95 per week payable in advance on the same day each week from the date of entry.
- III. The sum due of unpaid rent arrears is £7,981.25.
- IV. A payment Order in the sum of £7,981.25 is granted.

Reasons for Decision

The Respondent did not participate. The tribunal had sight of an execution of service by Sheriff Officers of the tribunal papers on the Respondent, on 10 February 2022. As proper intimation had been made, the tribunal was satisfied that the procedure was fair and proceeded in the Respondent's absence.

The tribunal had regard to all that was said and carefully considered the paperwork produced.

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Rent arears initially started to accrue from the end of November 2018. The last payment made towards rent was £500 on 29 October 2021.

The total rent arrears figure due is £7,981.25.

The Applicant had communicated with the Respondent by text message to seek to resolve the non-payment and information was also given regarding benefit advice. This had resulted in payments of differing amounts being made from time to time by the Respondent towards unpaid rent. All payments that had been made had come directly from the Respondent's bank account and the landlord was accordingly unaware of any Universal Credit claim or any issues with completing such a claim that would impact on the arrears or the tribunals view of the situation. Eventually even those payments stopped. Letters from the Applicant's agents had also been sent. Those met without success and no agreement has been reached on repayment terms. The information available at the time of the case management discussion was that the Respondent is believed to be in paid employment.

The Tribunal grants an order for payment. The tribunal exercised its discretion and did not grant interest. The decision is unanimous.

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.

Legal Member: Susan Christie

Date: 23 March 2022