

Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/21/2939

Re: Property at 12 Rigfoot, Girdle Toll, Irvine, Ayrshire, KA11 1PE (“the Property”)

Parties:

Ms Elaine Watt, 5 Grindal Drive, Grange Park, Swindon, Wiltshire, SN5 6HD (“the Applicant”)

Mr Christopher Murray, Ms Paige Robertson, Address Unknown, Address Unknown; Address Unknown, Address Unknown (“the Respondents”)

Tribunal Members:

Nairn Young (Legal Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that

- Background

This is an application for an order for payment of rent arrears alleged to be owed by the Respondents to the Applicant in terms of their private residential tenancy at the Property. It called for a case management discussion (‘CMD’) at 2pm on 8 June 2022, by teleconference. The Applicant called in in person. The Respondents did not call in to the conference and were not represented. The commencement of the CMD was delayed by 10 minutes to allow for any technical issue they may have been experiencing, but there was not contact from them.

Service of the application with details of the CMD was effected by advertisement on the first-named respondent ('the Respondent') only on 15 May 2022. The Applicant confirmed that she was happy to proceed as against him only, on the basis that the tenancy agreement allowed for joint and severable liability on the part of the tenants. The Tribunal was content that all reasonable attempts at service in person had been made, and that service by advertisement had been properly completed, and was willing to proceed in the absence of the Respondent on that basis.

- Findings in Fact

1. The Respondents entered into a private residential tenancy agreement with the Applicant in relation to the Property, with a commencement date of 1 April 2019.
2. In terms of that agreement, rent of £525 was payable on the first day of each month.
3. The Respondents vacated the Property on 6 November 2021.
4. As of that date, arrears of rent of £1,871.30 had accrued.
5. In terms of the tenancy agreement, a deposit of £525 had been paid.
6. The deposit was retained by the Applicant against the rent arrears.
7. The tenancy agreement provides for joint and severable liability as between the Respondents in regard to any obligation imposed on them.

- Reasons for Decision

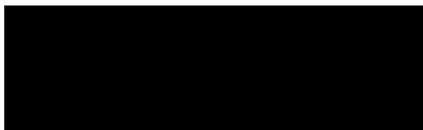
8. The Respondents owe the Applicant £1,346.30. She is entitled to proceed against either one of them for the whole sum owed. An order for payment of that amount should therefore be made as against the Respondent.

- Decision

Order made for payment by the Respondent to the Applicant of the sum of £1,346.30 (ONE THOUSAND, THREE HUNDRED AND FORTY-SIX POUNDS AND THIRTY PENCE STERLING).

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/Chair

8 June 2022

Date