



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/22/3264

Re: Property at 8 Blackwood, East Kilbride, G75 0SG (“the Property”)

Parties:

Mr David Hughes, Bredgade 81, Hejnsvig, 7250, Denmark (“the Applicant”)

Mr Thomas Bringham, Jennifer Paul, 8 Blackwood, East Kilbride, G75 0SG (“the Respondents”)

Tribunal Members:

Nicola Irvine (Legal Member) and Janine Green (Ordinary Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted an order for payment against the Respondents in favour of the Applicant in the sum of £2,750.

Background

1. An application was submitted dated 7 September 2022 in terms of Rule 111 (Application for civil proceedings in relation to a private residential tenancy) of *The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017* as amended.
2. The Applicant sought an order for payment in the sum of £2,750, which represented arrears of rent said to have been incurred by the Respondents.
3. By decision dated 4 October 2022, a Convenor of HPC having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion.

4. The Notice of Acceptance was intimated to the Applicant's representative on 10 October 2022. The Tribunal intimated the application to the parties by letter of 24 November 2022 and advised 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 take part in the discussion and were informed that the Tribunal could make a decision today 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 by 15 December 2022. No written representations were received by the Tribunal.

The case management discussion

5. The case management discussion took place by conference call. The Applicant was represented by Mr Coyle and the discussion proceeded in the absence of the Respondents. The Applicant's representative advised that the property is the only property owned by the Applicant in the UK; the Applicant now lives abroad and intends to sell this property. The Applicant has provided an affidavit setting out his circumstances. It is believed that the Respondents live alone at the property. It is not known whether the Respondents are in employment. The Respondents have been in touch with the Applicant and have made payments towards ongoing rent but have not made any arrangement to pay the arrears of rent, which now amount to over £5,000. The Applicant's representative sought an order for payment in the sum of £2,750.

Findings in Fact

6. The parties entered into a private residential tenancy which commenced 1 February 2019.
7. The rent payable by the Respondents is £600 per month, in advance.
8. The Respondents incurred rent arrears amounting to £2,750 as at 1 August 2022.

Reason for Decision

9. The Tribunal proceeded on the basis of the written documents which were before it. The Respondents failed to lodge written representations and did not participate in the case management discussion. There was nothing before the Tribunal challenging or disputing any of the evidence before it. The information before the Tribunal was that the rent arrears have increased to over £5,000 since the application was submitted. The Tribunal was satisfied that the Respondents are liable to pay the Applicant £2,750.

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.

N. Irvine

Legal Member/Chair

10 January 2023

Date