



**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/22/3845

Re: Property at 1c Drumclair Place, Airdrie, ML6 7AP (“the Property”)

Parties:

Angela Trimby, Mr Tony Trimby, 68 Old Park Road, Ballynahinch, BT24 8LY (“the Applicants”)

**Mr Benjamin Andrews, Ms Laura Dougan, 10A Willow Drive, Airdrie, ML6 8AN
 (“the Respondents”)**

Tribunal Members:

Richard Mill (Legal Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order be granted against the Respondents for payment to the Applicants of the sum of Eight Thousand Six Hundred and Twenty Four Pounds (£8,624)

Introduction

1. This application is under rule 70 and section 16 of the Housing (Scotland) Act 2014. The application seeks recovery of rent arrears, from February 2021, and other charges.
2. Former proceedings between the parties under reference FTS/HPC/CV/19/2918 were determined on 11 December 2019 when a payment order was granted against the respondents in the sum of £5,275 in respect of rent arrears for the period up to 12 November 2019. This sum continues to be recovered by the applicants in terms of an earnings arrestment.
3. Intimation of the application and Case Management Discussion (CMD) is certified to have been made on the respondents by sheriff officers on 22 March

2023. They lodged and email on 11 April with the tribunal. No defence or opposition was referenced though the stated end date of the tenancy was disputed.

4. The CMD took place on 26 April 2023 at 2.00 pm. The applicants' interests were represented by Mr Tony Trimby, the second-named applicant. The respondents failed to participate in the hearing. There was no known barrier to them doing so.

Findings and Reasons

1. The property is 1c Drumclair Place, Airdrie ML6 7AP. The applicants are Mr Tony Trimby and Mrs Angela Trimby who are the heritable proprietors and registered landlords of the property. The respondents are Mr Benjamin Andrews and Ms Laura Dougan who are the former tenants.
2. The parties entered into a short assured tenancy which commenced on 12 May 2017. This was for an initial 6 month period until 13 November 2017 and thereafter on a monthly basis
3. Mr Trimby advised that he was content that matters proceeded on the basis that the respondents had left the property in October 2022, as relied upon by the respondents themselves. In these circumstances there was no dispute regarding any material facts and accordingly the tribunal was able to determine the matter without any further procedure.
4. The tribunal attached weight to the entirety of the documentary evidence which is not the subject of challenge. This was found to be both credible and reliable. Two excel spreadsheets were produced. The first disclosed the historical rental position up to 12 November 2019 when the previous payment order had been made. This discloses that the sum of £976.51 remains outstanding (as at 27 March 2023) in respect of those monies. The second excel spreadsheet relevantly reflects the position from 12 November 2019 and this discloses the rent arrears now outstanding from February 2021.
5. As at the end date of the tenancy the amount of additional rent arrears, not covered by the previous payment order, was £8,429.
6. The applicants also seek to recover additional sums being the costs of a full house clearance in the sum of £500 and the costs of a joiner replacing the locks in the sum of £95, as the keys were not returned. Invoices in the sum of £500 and £95 have been produced to evidence these charges incurred which total £595.
7. The applicants acknowledge that they have received return of the deposit paid in the sum of £400.
8. The total sum therefore sought is £8,624 (being the rent arrears of £8,429 plus the £595 additional charges less the £400 deposit). The applicants are entitled to recover this sum.

9. The respondents refuse or unreasonably delay to pay the rent due and other charges. In the circumstances, a payment order is necessary. No application for a time to pay direction has been made. The respondents' email refers to a willingness for further recovery to be made by way of earnings arrestment.

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 Mill

26 April 2023

Legal Member/Chair

Date