



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/22/4306

Re: Property at 19 Orr Square Church, Orr Square, Paisley, PA1 2DL (“the Property”)

Parties:

Mr Scott Laing, 2/1 10 Lynedoch Terrace, Lanarkshire, Glasgow, G3 6EJ (“the Applicant”)

Mrs Elizabeth Dunlap, Mr Christopher Paton, Mr Samuel Bills, UNKNOWN, UNKNOWN (“the Respondents”)

Tribunal Members:

Nicola Irvine (Legal 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 £3,073.97.

Background

1. The Applicant submitted an application under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. The Applicant sought an order for payment in respect of rent arrears said to have been incurred by the Respondents.
2. By decision dated 23 January 2023, a Convenor of the Housing and Property Chamber having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion (“CMD”).

3. The Notice of Acceptance was intimated to the Applicant on 25 January 2023. The Tribunal intimated the application to the Respondents by advertisement on the website of the Housing and Property Chamber on 18 April 2023.

The case management discussion (“CMD”)

4. The Applicant was represented by Mrs Sarah Stewart. The CMD took place by conference call and proceeded in the absence of the Respondents. The Applicant’s representative explained that the last time the Respondents paid rent was on 1 April 2022. They remained living in the property until 3 September 2022. The Applicant’s representative advised that the rent statement has been amended to apportion the rent due to the date of the Respondents’ departure. The Respondents incurred rent arrears of £4,198.97. The Applicant recovered the Respondents’ deposit of £1,125 and that sum was applied to rent arrears due by the Respondents. The Applicant’s representative moved for an order for payment in the reduced sum of £3,073.97.

Findings in Fact

5. The parties entered into a private residential tenancy which commenced 18 November 2021.
6. The contractual monthly rent was £750, payable in advance.
7. The Respondents incurred rent arrears totalling £4,198.97.

Reason for Decision

8. The Tribunal proceeded on the basis of the written documents which were before it and the submissions made at the CMD. The Applicant’s representative invited the Tribunal to grant the Order sought. The Respondents failed to lodge written submissions and failed to participate in the CMD. There was nothing to indicate that the Respondents had disputed the rent arrears by the time they vacated the property.

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

22 May 2023

Date