



**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/22/0021**

**Re: Property at 26 Glebe Street, Hamilton, ML3 6PS (“the Property”)**

**Parties:**

**Mr Alexander McCallum, Mrs Angela McCallum, 32a Portland Place, Hamilton, ML3 7JU (“the Applicants”)**

**Mr Scott Murray, 26 Glebe Street, Hamilton, ML3 6PS (“the Respondent”)**

**Tribunal Members:**

**Andrew Upton (Legal Member) and Ann Moore (Ordinary Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Respondent is liable to make payment to the Applicants in the sum of TWO THOUSAND THREE HUNDRED AND FIFTY POUNDS (£2,350.00) STERLING**

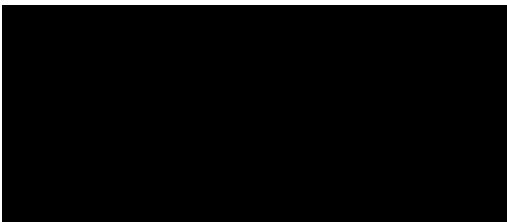
**STATEMENT OF REASONS**

1. This Application called for its Hearing by teleconference call on 22 July 2022, together with the related Application for eviction (EV/22/0020). The Applicants were represented by Mr Gildea. The Respondent was neither present nor represented.
2. This case previously called for its Case Management Discussion on 5 May 2022. At the CMD, the Application was amended to increase the sum claimed to £2,350. The Respondent admitted that, as at that date, the sum of £2,350 was due by him to the Applicants as rent arrears. The Respondent had indicated an intention to make regular payments towards his arrears, and the Hearing was fixed principally as an opportunity for him to do so.

3. At the Hearing, Mr Gildea advised the Tribunal that the Respondent had made payment of £600 in each of May and June 2022, which payments represented the previously promised £450 towards rent and £150 towards arrears. However, no payment had been received in July 2022. Accordingly, Mr Gildea advised the Tribunal that the Respondent now owed the Applicants the sum of £2,500 in rent arrears, being £2,350 less £300 received towards arrears plus £450 for July's rent. On that basis, Mr Gildea invited the Tribunal to grant a payment order in the reduced sum of £2,350.
4. In terms of Rule 2 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017, the Tribunal must have regard to the overriding objective to deal with proceedings justly when making a decision, including the need to avoid unnecessary delay.
5. In the circumstances, and having regard in particular to (i) the Respondent's admission at the CMD and (ii) Mr Gildea's submissions at the Hearing, the Tribunal was satisfied that the Respondent is liable to make payment to the Applicant in the sum of £2,350. Accordingly, the Tribunal granted the payment order as claimed.

### **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.**



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**Legal Member/Chair**

**22 July 2022**

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**Date**