



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/20/2266

Re: Property at 154 Flat A, Paisley Road, Renfrew, PA4 8DA (“the Property”)

Parties:

Mr Gurmeet Chaal, 2 Morriston Crescent, Renfrew, PA4 0XN (“the Applicant”)

Mr Alan McDougal, 154 Flat A, Paisley Road, Renfrew, PA4 8DA (“the Respondent”)

Tribunal Members:

Nicola Irvine (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted an order for payment against the Respondent in the sum of £2,500

Background

- [1] The Applicant submitted an application seeking an order for payment in respect of arrears of rent incurred by the Respondent arising from his occupation at the property. The Tribunal issued a letter to the parties dated 20 January 2021 advising 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 participate in the case management discussion and were informed that the Tribunal could make a decision 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 10 February 2021. No written representations were received from the Respondent

The Case Management Discussion

[2] The Applicant participated in the case management discussion which took place by conference call. The discussion took place in the absence of the Respondent. The Applicant advised that there has been no direct contact between the parties to discuss arrears of rent since the application was submitted. The last contact the Applicant had with the Respondent was in September 2020 when the Respondent advised that he did not intend to pay rent. The Applicant referred to the statement of rent produced by him and advised that there is £100 of rent outstanding from May 2020 and since then, there have been no payments of rent. The rent statement produced lists details of rent unpaid up to November 2020, which totals £2,500. The Applicant sought an order for payment in that sum.

Findings in Fact

[3]

1. The parties entered into a Tenancy Agreement dated 2 December 2015.
2. The rent payable was £400 per month.
3. The Respondent has incurred rent arrears amounting to £2,500 as at 2 November 2020.
4. The Applicant is entitled to the Order sought for payment in the sum of £2,500.

Reason for Decision

[4] The Applicant has produced documentation which shows that the Respondent has incurred rent arrears to the extent of £2,500 as at 2 November 2020. The Respondent had an opportunity to make written submissions if he so wished; he also had an opportunity to participate in the case management discussion but failed to do so. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the case management discussion. The Tribunal was satisfied that the Respondent is liable to pay rent arrears and therefore granted the order for payment.

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: Nicola Irvine

Date: 24 February 2021