



**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/23/1226**

**Re: Property at 57 Academy Street, Larkhall, ML9 2BJ (“the Property”)**

**Parties:**

**Scott Building Services Ltd, 4 Middleton Avenue, Strutherhill Industrial Estate, Larkhall, ML9 2TL (“the Applicant”)**

**Mr Ross (John David) Quigley (SBA), Miss Michelle Dowds, UNKNOWN, UNKNOWN; 10 Backmuir Place, Hamilton, ML3 0LP (“the Respondent”)**

**Tribunal Members:**

**Gabrielle Miller (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant is entitled to an order for payment for £610.83 (SIX HUNDRED AND TEN POUNDS AND EIGHTY THREE PENCE.**

**Background**

1. An application was received by the Housing and Property Chamber dated 18<sup>th</sup> April 2023. The application was submitted under Rule 111 of The First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on the Respondent not maintaining rent payments.
2. On 11<sup>th</sup> August 2023 all parties were written to with the date for the Case Management Discussion (“CMD”) of 16<sup>th</sup> November 2023 at 10am by teleconferencing. The letter also requested all written representations be submitted by 15<sup>th</sup> September 2023. Service of this was not able to be effected. The guarantor, now the Second Named Respondent, was added as a party to the proceedings.

3. On 16<sup>th</sup> October 2023 all parties were written to with the date for the CMD of 3<sup>rd</sup> November 2021 at 10am by teleconferencing. Service by Advertisement was undertaken upon the First Named Respondent, Mr Ross Quigley, from 16<sup>th</sup> October 2023.

#### The Case Management Discussion

4. A CMD was held 16<sup>th</sup> November 2023 at 10am by teleconferencing. The Applicant was represented by Ms Cheryl Young, Director, ELT Lettings Ltd. The Respondents were not present. The Tribunal proceeded in terms of Rule 29 of the Rules. The Respondents did not make representations in advance of the CMD.
5. Ms Young said that there has been no contact from either of the Respondents since the tenancy ended in 2019. The Applicant has tried to contact the Respondents on many occasions but the Respondents did not respond to the attempts to contact them.
6. Ms Young said that there has been a backlog in the Applicant's office in pursuing cases like this due to staff shortages and Covid. There are several applications like this that need to be raised but the Applicant does not wish to raise too many at once in order to avoid confusion.
7. The Tribunal was satisfied that the outstanding amount for £610.83 was due to the Applicant by the Respondent and that it was appropriate to grant an order accordingly.

#### Findings and reason for decision

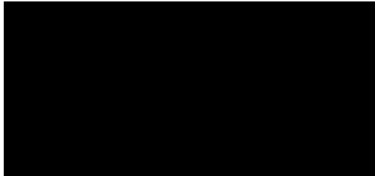
8. A Private Rented Tenancy Agreement commenced 21<sup>st</sup> May 2018 until 1<sup>st</sup> September 2023.
9. The Respondent persistently failed to pay his rent charge of £475 per month. The rent payments are due to be paid on 21<sup>st</sup> day of each month.
10. The deposit has been returned to the Applicant and applied to the deposit reducing the arrears to the amount sought in the application.
11. The arrears sought total £610.83.

#### Decision

12. The Tribunal found that the Applicant was entitled to be granted an order for payment amounting to £610.83 (SIX HUNDRED AND TEN POUNDS AND EIGHTY THREE PENCE).

## 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.



16<sup>th</sup> November 2023

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Legal Member/Chair

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Date