



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/23/1503

Re: Property at Flat 2/1 11 Napier Drive, Govan, Glasgow, G51 2LP (“the Property”)

Parties:

Mr Alisdair McKay, Mrs Margaret Clare McKay, 2 Stuart Street, Ardersier, Inverness, IV2 7QL; 2 Stuart Street, Ardersier, Inverness, IV2 7QL (“the Applicants”)

Miss Nicola Cantrill, Mr Martin Esler, Flat 2/1 11 Napier Drive, Govan, Glasgow, G51 2LP; Flat 2/1 11 Napier Drive, Govan, Glasgow, G51 2LP (“the Respondents”)

Tribunal Members:

Andrew Upton (Legal Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Respondents are liable to make payment to the Applicants in the sum of FOUR THOUSAND ONE HUNDRED AND NINETY-SIX POUNDS (£4,196.00) STERLING

Statement of Reasons

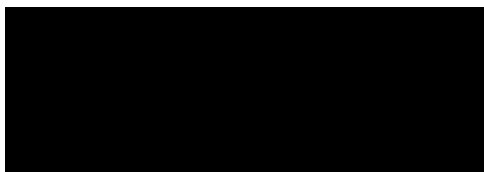
1. This Application called for its second Case Management Discussion by teleconference call on 7 November 2023. The Applicants were present on the call. The Respondents were neither present nor represented.
2. This is an application for payment of sums allegedly due by the Respondents in rent arrears. When the Application previously called for its Case Management Discussion, the Respondents indicated that they wished time to pay. The Case Management Discussion was continued to allow the

Respondents to submit an application for a Time to Pay Order, and to provide details of their income and expenditure. No Time to Pay Application has been received, and the Respondents have not provided any details of their income or expenditure.

3. The Applicants advised that the arrears have continued to increase. By email on 3 October 2023, the Applicants submitted an updated rent schedule showing that the Respondents' rent arrears were sitting at £4,196 to 30 September 2023. The Applicants sought an order for payment in that revised sum.
4. In terms of Rule 17(4) of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017, the Tribunal can do anything at a Case Management Discussion that it may do at a Hearing, including make a Decision. In terms of Rule 2, the Tribunal must have regard to the overriding objective to deal with proceedings justly when making a decision, which includes the need to avoid unnecessary delay.
5. The Respondents have had appropriate notice of the CMD and have chosen not to attend. The Respondents accepted that they were in rent arrears when the case last called. The CMD had been continued to allow the Respondents to seek time to pay, but they have not availed themselves of that opportunity. Instead, they have allowed further arrears to accrue in that time.
6. In all of the circumstances, the Tribunal is satisfied that the Respondents are under contractual obligation to pay rent, and have failed to do so. The sum outstanding up to 30 September 2023 is the sum of £4,196, which is the sum that the Applicants seek payment of. The Tribunal is satisfied that a payment order in that sum should be granted.

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

07/11/2023

Date