



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 71 of Private Housing
(Tenancies) (Scotland) Act 2016**

Chamber Ref: FTS/HPC/CV/23/2081

**Re: Property at Basement Flat, Old Post Office Building, Bridge Street, Avoch,
IV9 8PP (“the Property”)**

Parties:

**Mr Bryan McIlwraith and Jane McIlwraith (otherwise known as Kathleen
McIlwraith), 67 Lochalsh Road, Inverness, IV3 8HW (“the Applicants”)**

**Mr Graeme MacLeman, G/1, 2 Davies Square, Clydebank, G81 6DW (“the
Respondent”)**

Tribunal Members:

Jim Bauld (Legal Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that that an order should be granted for payment in the
sum of THREE THOUSAND AND SIX HUNDRED POUNDS (£3,600.00) against
the Respondent**

Background

1. By application dated 23 June 2023, the applicant sought an order under section 71 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the Act”) and in terms of rule 111 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.
2. On 16 August 2023, the application was accepted by the Tribunal and referred for determination by the tribunal

3. A Case Management Discussion (CMD) was set to take place on 27 October 2023 and appropriate intimation of that hearing was given to all parties

The Case Management Discussion

4. The Case Management Discussion (CMD) took place on 27 October 2023 via telephone case conference. The applicants were represented by Ms Dawn Carlin, Solicitor, Glasgow. The respondent was not in attendance and was not represented.
5. The tribunal explained the purpose of the CMD and the powers available to the tribunal to determine matters. The tribunal asked various questions with regard to the application and the documents lodged in support of it. The applicants' solicitor confirmed that she wished the tribunal to grant the order sought in the application and wished the designation of the second applicant be amended to indicate an alternative name by which Mrs McIlwraith is also known.

Findings in fact

6. The Applicants and the Respondent as respectively the landlords and tenant entered into a tenancy of the property which commenced on 13 April 2020
7. The tenancy was a private residential tenancy in terms of the Act
8. The agreed monthly rental was £500
9. Rent arrears had accrued at 4 January 2023 when the tenancy terminated amounting to £4,100.00
10. £500 had been recovered from a deposit paid by the tenant reducing the sum owed to £3,600
11. Appropriate accounting had been provided in respect of the outstanding rent with the application to the tribunal.

Reasons for Decision

12. The tribunal accepted the unchallenged evidence presented on behalf of the applicant regarding the outstanding sums. The tribunal noted that the respondent had failed to engage with both the applicants and with the tribunal despite having ample opportunity to do so.

13. The sum claimed when the application was lodged was £3,600 being the arrears accrued as at the termination of the tenancy on 4 January 2023 .

14. The tribunal also exercised the power within rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 and determined that a final order should be made at the CMD.

Decision

The order for payment of the sum of £3.600.00 is granted against the respondent

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.



27th October 2023

Legal Member/Chair

Date