



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71(1) of the Private Housing (Tenancies)(Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/23/2238

Re: Property at 95 Watson Street, Motherwell, ML1 1YP (“the Property”)

Parties:

REWD LPB Limited, REWD Group HQ, Unit 4 Barons Court, Grangemouth, FK3 8BH (“the Applicant”)

Mr Craig Brown, Ms Laura Thorburn, 95 Watson Street, Motherwell, ML1 1YP (“the Respondent”)

Tribunal Members:

Mary-Claire Kelly (Legal Member) and Ahsan Khan (Ordinary Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to grant an order for payment in the sum of EIGHT THOUSAND EIGHT HUNDRED AND SIXTY-TWO POUNDS AND FIFTY PENCE (£8862.50)

Background

1. By application dated 7th July 2023 the applicant seeks an order for payment in respect of rent arrears.
2. The application was conjoined with application reference FTS/HPC/EV/23/2248 seeking an order for eviction.
3. The applicant lodged the following documents with the application:
 - Copy tenancy agreement
 - Rent statements
4. A case management discussion (“cmd”) was assigned for 6th November 2023.

5. On 17th October 2023 the applicant sought to amend the amount begin sought to the sum of £8862.50 in accordance with rule 14A.

Case management discussion – 6th November 2023- teleconference

6. The applicant was represented by Mr Rennie, solicitor from Anderson Strathern LLP. The respondents were not present or represented. The Tribunal noted that proper notice of the cmd had been given to the respondents and in particular, Sheriff Officers had served relevant papers personally on the respondents. The Tribunal determined to proceed with the cmd in the respondents absence in terms of Rule 29.
7. Mr Rennie sought and order for payment in the increased sum of £8862. Two rent accounts had been lodged. They spanned the period from 21st April 2022 to 21st September 2022 and from 21st December 2022 to 21st June 2023. A further updated rent account to September 2023 had been lodged in support of the application to increase the sum sought..
8. The Tribunal noted that no payment of rent had been received since a payment of £475 in July 2022. The rent payable in terms of the tenancy agreement was £525 per calendar month.

Findings in fact

9. Parties entered in a tenancy agreement with a commencement date of 21st July 2021.
10. Monthly rent due in terms of the agreement was £525.
11. Arrears as at September 2023 amounted to £8,862.50.

Reasons for the decision

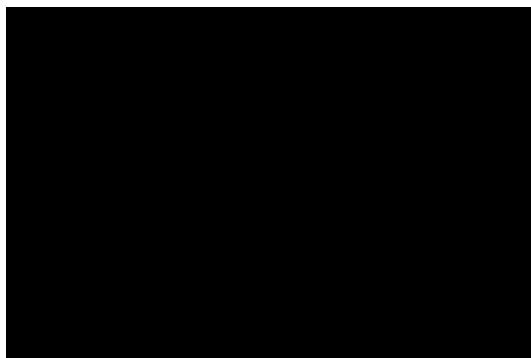
12. The Tribunal had regard to the application and the documents lodged by the applicant. The Tribunal also took into account oral submissions at the cmd.
13. The Tribunal took into account that the respondent had not lodged any defence to the application or disputed the sum sought in any way.
14. The Tribunal was satisfied that the arrears at the property amounted to £8,862.50 as at the date of the cmd.

Decision

The Tribunal determined to grant an order for payment in the sum of eight thousand eight hundred and sixty-two pounds and fifty 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.



6th November 2023

Date