



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 (“The Act”)

Chamber Ref: FTS/HPC/CV/23/2300

Re: Property at 12 1/R Seamore Street, Largs, KA30 9AP (“the Property”)

Parties:

Mr Anthony Bebb, Catherine Bebb, 13 East Carlton Park, East Carlton, Market Harborough, LE16 8YD (“the Applicant”)

Mr Jamie Wilson, 12 1/R Seamore Street, Largs, KA30 9AP (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member) and Elizabeth Williams (Ordinary Member)

[1] The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted the Application and made a Payment Order in favour of the Applicants against the Respondent in the sum of £3,952.27

Background

[2] The Applicant seeks a Payment Order in respect of rent arrears said to be lawfully due by rent arrears by the Respondent to the Applicant under a tenancy between the parties. The Application is accompanied by the tenancy agreement between the parties; and evidence of the rent arrears founded upon. The Application seeks the sum of £3,952.27. The Applicant had, ten days before the Tribunal, attempted to amend this sum to a higher sum now said to be due. The Respondent has not engaged with the Tribunal process.

The Case Management Discussion

[3] The Application called for a Case Management Discussion (CMD) by conference call at 10 am on 1 November 2023. The Applicants were represented by Mr Haswell of James Guthrie & Co Solicitors. There was no appearance by or on behalf of the Respondent. The Application and information about how to join the CMD had been served on the Respondent by Sheriff Officers. Accordingly, the Tribunal decided to proceed in the absence of the Respondent. Having heard from Mr Haswell, the Tribunal made the following findings in fact.

Findings in Fact

- I. *The Applicants let the Property to the Respondent by virtue of a Private Residential Tenancy;*
- II. *The contractual monthly rent was £350.00;*
- III. *The Respondent fell into rent arrears;*
- IV. *The sum set out in the Application of £3,952.27 is lawfully due to the Applicants by the Respondent as rent arrears but remains unpaid;*
- V. *The Tribunal is not prepared to amend the sum to a higher figure without the consent of the Respondent or at least 14 days notice having been provided as per Rule 14A of the Tribunal's rules of procedure.*

Reasons for Decision

[4] Having made the above findings in fact, the Tribunal decided to grant the Application and made a Payment Order in favour of the Applicants against the Respondent in the sum of £3,952.27.

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.

A McLaughlin

Legal Member/Chair

1 November 2023

Date