



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

Chamber Ref: FTS/HPC/CV/23/2913

Re: Property at Upper Flat, 63 Mountstuart Road, Rothesay, Isle of Bute, PA20 9LD (“the Property”)

Parties:

Bute Island Developments Ltd, 14 Craigmore Road, Rothesay, Isle of Bute, PA20 9LB (“the Applicant”)

Mr Ross McGinty, Miss Kimberly Boyle, 4D Dewar Avenue, Rothesay, PA20 9BH; 4D Dewar Avenue, Rothesay, PA20 9BH (“the Respondents”)

Tribunal Members:

Susan Christie (Legal Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order is granted against the Respondents for payment of Two Thousand One Hundred and Twenty-Nine Pounds and Three Pence (£2,129.03) to the Applicant.

Background

1. The Applicant seeks an order for payment relating to unpaid rent due. The application was accepted by the tribunal on 13 October 2023.
2. The application and tribunal paperwork were served on the Respondents at their new address by Sheriff Officers on 9 November 2023 by letterbox service.
3. Written representations by the Respondents were invited by 22 November 2023. None were submitted.

The Case Management Discussion

4. A Case Management Discussion (CMD) took place on 13 December 2023 at 2pm by conference call. The Applicant participated and was represented by Ms Janet Crichton, the finance manager of the Applicant. There was no participation by the Respondents.

5. The tribunal was satisfied that proper intimation of the paperwork and the details of the CMD had been made on both respondents and examined the Sheriff Officer executions of service. The CMD proceeded in their absence.
6. The application and paperwork were examined, and the calculations checked. The Applicant sought an Order for payment for a revised figure of £2,129.03.

Findings in Fact

- I. The Applicant is the registered landlord for the Property.
- II. The Applicant is the registered owner of the Property and took entry on 25 May 2021, but due to an error the Land Register title sheet was not updated until 27 October 2023.
- III. The Parties entered into a Private Residential tenancy agreement over the Property which was signed on 24 September 2022.
- IV. The date of entry was 24 September 2022.
- V. The contractual rent is £600 per calendar month payable in advance on 24th of the month.
- VI. There was no deposit paid.
- VII. The Respondents left the Property on 10 August 2023.
- VIII. The last payment made by the Respondents towards rent was £300 on 1 May 2023.
- IX. The unpaid contractual rent due and owing by the Respondents to the Applicant is £2,129.03.
- X. An Order for payment of £2,129.03 is granted.

Reasons for decision

1. The tribunal was satisfied that proper intimation of the paperwork and the details of the CMD had been made on both Respondents and examined the Sheriff Officer executions of service. The CMD proceeded in their absence to determine the application.
2. The paperwork submitted was spoken to by the Applicant's Finance Manager who sought a payment Order.
3. The Parties entered into a Private Residential tenancy agreement over the Property which was signed on 24 September 2022.
4. The date of entry was 24 September 2022.
5. The contractual rent is £600 per calendar month payable in advance on 24th of the month.
6. There was no deposit paid.
7. The Respondents left the Property on 10 August 2023.
8. The last payment made by the Respondents towards rent was £300 on 1 May 2023. Prior to that they had paid £300 on 8 April 2023. Combined those payments totalled £600 and represented the March payment of rent.
9. The Invoice activity log for rent was examined and the figures checked and clarified. The rent months that remained unpaid were April, May and June which covered the period up to 24 July 2023 as rent was due in advance. A sum of £1,800. Added to that was £329.03 representing the further period due to 10 August 2023. This was calculated on a pro-rata daily rate of rent.

10. The unpaid contractual rent due and owing by the Respondents to the Applicant is £2,129.03.
11. Had the Respondents participated they could have confirmed their understanding of the calculations.
12. The figure granted is lower than that originally sought in the application.
13. An Order for payment of £2,129.03 is 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

13 December 2023

Date