



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/23/2988

Re: Property at 29 Clare Crescent, Larkhall, ML9 1ES (“the Property”)

Parties:

Andrew Newman Limited, 14 West Mains Crofts, West Calder, EH55 9FL (“the Applicant”)

Mr John McGuire, Miss Kylie Henderson, 29 Clare Crescent, Larkhall, ML9 1ES (“the Respondent”)

Tribunal Member:

Ms H Forbes (Legal Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment should be granted in favour of the Applicant in the sum of £2180.10 with interest thereon at 4% per annum.

Background

1. By application made on 30th August 2023 under Rule 111 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, as amended (“the Rules”), the Applicant applied for an order for payment in the sum of £2180.10 in respect of unpaid rent. The Applicant lodged a copy of the private residential tenancy agreement between the parties, which commenced on 28th March 2022, copy correspondence between the parties, a rent increase notice, and a rent statement.
2. Notification of the application and the forthcoming Case Management Discussion upon the Respondents was carried out by Recorded Delivery on 27th October 2023.

The Case Management Discussion

3. A Case Management Discussion (“CMD”) took place by telephone conference on 6th December 2023. The Applicant was in attendance. The Respondents were not in attendance.
4. The Tribunal considered the terms of Rule 29. The Tribunal determined that the requirements of Rule 17(2) had been satisfied, and it was appropriate to proceed with the application in the absence of the Respondents.
5. The Applicant moved the Tribunal to grant an order in the sum of £3292.47, being the current arrears. The Tribunal indicated an application to amend the sum sought in terms of Rule 14A would have been required. There was some discussion about whether to continue to another CMD to allow an application to amend the sum sought. The Applicant decided to ask for an order in the sum of £2180.10 with interest thereon at the rate of 4%.

Findings in Fact and Law

6.
 - (i) Parties entered into a private residential tenancy that commenced on 28th March 2022, with rent due in the sum of £850 per month.
 - (ii) The monthly rent increased to £875 on 28th July 2023,
 - (iii) Rent lawfully due in terms of the tenancy agreement has not been paid by the Respondents.
 - (iv) The Applicant is entitled to recover rent lawfully due.

Reasons for Decision

7. The Respondents have failed to make payment of rent lawfully due. The Applicant is entitled to recover rent lawfully due in terms of the tenancy agreement between the parties.

Decision

8. An order for payment is granted in favour of the Applicant in the sum of £2180.10 with interest thereon at the use value rate of 4% per annum from the date of making the decision.

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

6th December 2023
Date