



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/23/3141

Re: Property at 45 Craigmill Wynd, Caldercruix, ML6 8UY (“the Property”)

Parties:

Ms Kayleigh Bingham, 40 Arisaig Place, Glasgow, G52 1PY (“the Applicant”)

Mr John McGurk, 45 Craigmill Wynd, Caldercruix, ML6 8UY (“the Respondent”)

Tribunal Members:

Graham Harding (Legal Member) and Helen Barclay (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant was entitled to an order for payment by the Respondent to the Applicant in the sum of £3600.00.

Background

1. By application dated 7 September 2023 the Applicant’s representatives, D J Alexander Lettings Limited, Edinburgh, applied to the Tribunal for an order for payment in respect of alleged rent arrears arising from the Respondent’s tenancy of the property. The Applicants submitted a copy of the tenancy agreement together with a rent statement and letter of authority in support of the application.
2. By Notice of Acceptance dated 24 October 2023 a legal member of the Tribunal with delegated powers accepted the application and a Case Management Discussion (“CMD”) was assigned.

3. Intimation of the CMD was served on the Respondent by Sheriff Officers on 30 October 2023.

The Case Management Discussion

4. A CMD was held by teleconference on 6 December 2023. The Applicant attended in person and was represented by Mr John McKeown from Jackson Boyd Solicitors, Edinburgh. Ms Gwennan White from Jackson Boyd was also in attendance. The Respondent did not attend nor was he represented. The Tribunal being satisfied that proper intimation had been given to the Respondent determined to proceed in his absence.
5. Mr McKeown advised the Tribunal that the rent arrears currently amounted to £5400.00. He accepted that the sum claimed had not been amended in accordance with the Tribunal rules and that in the circumstances the Tribunal could only award the sum previously claimed namely £3600.00. There was some discussion as to whether the Applicant wished the application to be continued until after the tenancy had ended as it seemed unlikely that the Respondent intended to make any further payments. However, Mr McKeown asked the Tribunal to grant an order for payment in the sum of £3600.00 and indicated that a further application for payment would be made in due course.

Findings in Fact

6. The Respondent owed rent of £3600.00 as at 1 June 2023 and this amount was still outstanding at the date of the CMD.

Reasons for Decision

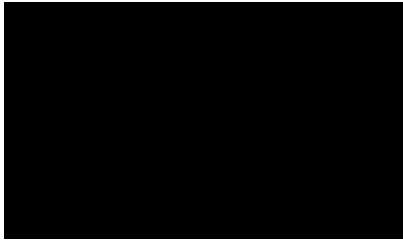
7. The Tribunal was satisfied from the written representations and documents submitted by the Applicant's representatives together with the oral submissions that the Applicant was entitled to an order for payment by the Respondent in the sum of £3600.00.

Decision

8. The Tribunal finds the applicant entitled to an order for payment by the Respondent to the Applicant in the sum of £3600.00.

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

6 December 2023

Date