



**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/23/3330**

**Re: Property at 355 Grathellen Court, Merry Street, Motherwell, ML1 4BQ (“the Property”)**

**Parties:**

**Mr Walter Watson and Mrs Catherine Watson, 273 Brandon Street, Motherwell, ML1 1RS (“the Applicants”)**

**Mr Scott Gibson, previously residing at 55 Grathellen Court, Merry Street, Motherwell, ML1 4BQ and whose current whereabouts are unknown. (“the Respondent”)**

**Tribunal Members:**

**Shirley Evans (Legal Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to make an order for payment against the Respondent in favour of the Applicants in the sum of FIVE THOUSAND TWO HUNDRED AND FIFTY POUNDS (£5250) STERLING. The order for payment will be issued to the Applicants after the expiry of 30 days mentioned below in the right of appeal section unless an application for recall, review or permission to appeal is lodged with the Tribunal by the Respondent.**

**Background**

1. This is an action for rent arrears raised in terms of Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Regulations”).

2. The application was accompanied by various bank statements and a Notice to Leave.
3. On 21 March 2024, the Tribunal accepted the application under Rule 9 of the Regulations.
4. On 21 May 2024 the Tribunal enclosed a copy of the application and invited the Respondent to make written representations to the application by 14 June 2024. The Tribunal advised parties that a Case Management Discussion ("CMD") under Rule 17 of the Regulations would proceed on 1 July 2024. As the Respondent's address was unknown this paperwork was served on the Respondent by way of service by advertisement in terms of Rule 6A of the Regulations and the Execution of Service was received by the Tribunal administration.
5. On 27 June 2024 in response to a Notice of Direction the Applicants' solicitor forwarded a rent statement and extracts from a Private Residential Tenancy Agreement dated 22 June 2021 between the parties.

### **Case Management Discussion**

6. The Tribunal proceeded with a CMD on 1 July 2024 by way of teleconference. Mr Doig from Raeside Chisholm, solicitors appeared for the Applicants. There was no appearance by or on behalf of the Respondent despite the CMD starting 10 minutes late to allow him plenty of time to join the call. The Tribunal was satisfied the Respondent had received notice under Rule 24 of the Regulations and accordingly proceeded with the CMD in his absence.
7. The Tribunal had before it extracts from the Private Residential Tenancy Agreement between the parties dated 22 June 2021, a rent statement to May 2023 and bank statements. The Tribunal considered these documents.
8. Mr Doig referred the Tribunal to the tenancy agreement which started on 22 June 2021 and terminated on 25 May 2023. The monthly rent was £495. The last payment towards rent was on 2 December 2022. The Applicants had taken a deposit of £495 but despite the tenancy terminating over a year ago they had not realised they had to apply to have the deposit returned to them. There was not much in the way of dilapidations at termination. The

Respondent however had left arrears of £6145. Mr Doig accepted that the application sought arrears in the sum of £5250 and that the Tribunal may wish to treat the return of the deposit as a separate matter.

### **Reasons for Decision**

9. The Tribunal considered the issues set out in the application together with the documents lodged in support, including the tenancy agreement and the rent statement. Further the Tribunal considered the submissions made by Mr Doig.
  
10. The Tribunal noted the terms of the tenancy agreement and the rent statement which set out how the arrears had arisen. The Applicants had produced evidence of persistent non-payment of rent. The Respondent had not disputed the application. The Tribunal was satisfied on the basis of the documents lodged, together with Mr Doig's submissions that an order for payment in favour of the Applicants.

### **Decision**

11. The Tribunal granted an order for payment of £5250 in favour of the Applicants.

### **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.**

Shirley Evans

1 July 2024

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Legal Member

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Date