



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 70(1) of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/23/3355

Re: Property at 3 Blackford Road, Paisley, PA2 7EW (“the Property”)

Parties:

Mr Surjit Chowdhary, 47 Aytan Road, Glasgow, G41 5HW (“the Applicant”)

Mr Brendan Rodger (SBA), Mr Toni Peacock (SBA), 13 Panmure Terrace, Broughty Ferry, Dundee, DD5 2QL (“the Respondent”)

Tribunal Members:

Ruth O'Hare (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to make an order for payment in the sum of Six thousand four hundred and seventy seven pounds and thirty nine pence (£6,477.39) Sterling

Background

- 1 By application to the Tribunal the Applicant sought an order for payment against the Respondent for unpaid rent arrears in the sum of £6,477.39.
- 2 By Notice of Acceptance of Application dated 5 December 2023 the Legal Member with delegated powers of the Chamber President intimated that there were no grounds on which to reject the application. A Case Management Discussion was therefore assigned and a copy of the application paperwork together with notification of the date and time of the Case Management Discussion and instructions on how to join the teleconference was intimated to the Respondent by advertisement on the Tribunal’s website as their whereabouts were unknown.

Case Management Discussion

- 3 The Applicant was represented by Mrs McLelland of Castle Residential who was accompanied by Mrs Harper. The Respondents were not in attendance. The Tribunal noted that they had been served with the application paperwork together with notification of the date and time of the Case Management Discussion and therefore determined to proceed in their absence.
- 4 Mrs McLelland confirmed that the Applicant sought a payment order in the sum of £6477.39. The Respondents had not been in touch following the termination of the tenancy and had failed to make any offers of payment. Mrs McLelland advised that the Respondents had left the property in a poor condition however the Applicant was not seeking to recover the reinstatement costs at this stage.

Findings in Fact and Law

- 5 The parties entered into a Private Residential Tenancy Agreement dated 24 February 2021.
- 6 In terms of Clause 8 of the said Tenancy Agreement the Respondents undertook to make payment of rent at the rate of £650 per calendar month.
- 7 The Respondents failed to make payment of the contractual rent under the terms of the tenancy agreement between the parties.
- 8 The tenancy between the parties terminated on 20 September 2023.
- 9 As at the date of termination rent arrears in the sum of £6,477.39 were outstanding.

Reasons for Decision

- 10 The Tribunal was satisfied that it had sufficient information upon which to make a decision at the Case Management Discussion, taking into account the application paperwork and the submissions at the Case Management Discussion, and that it would not be prejudicial to the interests of the parties to do so. The Respondents had been served with the application paperwork but had failed to make any written representations in response, and had failed to attend the Case Management Discussion. The Tribunal therefore considered it was able to proceed to determine the application in their absence.
- 11 The Tribunal accepted, based on its findings in fact, that the Respondents were due to pay the sum of £6,477.39 to the Applicant under the terms of the tenancy agreement between the parties. The Tribunal therefore made an order in that sum.

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.

Ruth O'Hare

Legal Member/Chair

Date 28 June 2024