



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/23/4282

Re: Property at 33 Tiree Crescent, Wishaw, ML2 9HF (“the Property”)

Parties:

Rimo Properties Ltd, Office 2, Room 8, Kirkhill House, 81 Broom Road East, Newton Mearns, G77 5LL (“the Applicant”)

Mr Ross Barclay, Unknown, Unknown (“the Respondent”)

Tribunal Members:

Nairn Young (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that

- Background

This is an application for an order for payment of rent arrears alleged to be owed by the Respondent in terms of his private residential tenancy agreement with the Applicant. It called for a case management discussion (‘CMD’) at 10am on 28 June 2024, by teleconference. The Applicant was represented on the call by Mrs Jane Strain, of Ecosse Estates Ltd.. The Respondent was not on the call and was not represented. The commencement of the CMD was delayed by 10 minutes, in case of any technical difficulty; but there remained no contact from him.

Notice of the CMD was given to the Respondent by advertisement, first appearing on 29 May 2024 and duly served 15 days thereafter. The Tribunal was satisfied that it was reasonable to proceed on the basis that the matter was therefore undefended.

- Findings in Fact

The following facts from the application were relied on by the Tribunal, as unopposed:

1. The Respondent entered into a private residential tenancy agreement with the Applicant in respect of the Property, with a start date of 13 November 2019.
2. In terms of that agreement, rent of £350 was due on the thirteenth day of each month.
3. The Respondent vacated the Property on 22 September 2023, terminating the tenancy.
4. At the date of termination, the Respondent owed £758.33 in rent.
5. The Respondent has made no payment towards those arrears since that date.

- Reasons for Decision

The Respondent owes the sum sought in the application to the Applicant. An order for payment of that amount should therefore be made.

- Decision

Order made for payment by the Respondent to the Applicant of the sum of SEVEN HUNDRED AND FIFTY-EIGHT POUNDS AND THIRTY-THREE PENCE STERLING (£758.33).

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.

N. Young

28/6/24

Legal Member/Chair

Date