



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/24/0435

Re: Property at 3A St Andrews Street, Dumfries, Dumfries and Galloway, DG1 1BS ("the Property")

Parties:

Mr James Alan Gatt and Mrs Norma Elizabeth Gatt, 7 Gordon Street, Dumfries, DG1 1EG ("the Applicants")

Mr Rhys Curtis Mundell, 3A St Andrews Street, Dumfries, Dumfries and Galloway, DG1 1BS ("the Respondent")

Tribunal Members:

Gillian Buchanan (Legal Member) and Elaine Munroe (Ordinary Member)

Decision (in absence of the Respondent)

At the Case Management Discussion ("CMD"), which took place by telephone conference on 25 June 2024, the Applicants were represented by Ms Sara Di Carlo of Harper Macleod, Solicitors, Glasgow. The Respondent was neither present nor represented and had lodged no written representations.

The tribunal was satisfied that the requirements of Rule 24(1) of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ("the Rules") had been satisfied relative to the Respondent having received notice of the CMD and determined to proceed in the absence of the Respondent in terms of Rule 29.

The CMD was in respect of this matter and the related case bearing reference FTS/HPC/EV/24/0436.

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

Background

The Tribunal noted the following background:-

- i. The Applicants leased the Property to the Respondent in terms of a Private Residential Tenancy Agreement ("the PRT") that commenced on 9 January 2023.

- ii. The rent payable in terms of the PRT is £500 per calendar month.
- iii. The rent arrears due as at the date of the application were £3,240.

The CMD

At the CMD Mr Di Carlo for the Applicants made the following representations:-

- i. That the deposit paid by the Respondent at the outset of the tenancy is believed to still be held in a tenancy deposit scheme.
- ii. That the Respondent's circumstances are not known. The Property has not been modified for any disability and the Respondent has no disability. He is not believed to have any dependents or partner living with him. He is still in occupation of the Property. Rent was privately funded and the arrears have not accrued due to any failure to pay benefits.
- iii. The rent arrears were £4,240 as at March 2024.
- iv. The Respondent has not engaged in response to the pre-action protocol letters or otherwise.
- v. The Applicants seek a payment order.

Findings in Fact

- i. The Applicants leased the Property to the Respondent in terms of the PRT.
- ii. The rent payable in terms of the PRT is £500 per calendar month.
- iii. The rent arrears due as at the date of the application were £3,240.
- iv. The rent arrears were £4,240 as at March 2024.
- v. The Respondent has not engaged in response to the pre-action protocol letters or otherwise.

Reasons for Decision

The Respondent did not submit any representations to the Tribunal and did not attend the CMD. The factual background narrated by the Applicants within the application papers and orally by Ms Di Carlo at the CMD was not challenged and was accepted by the Tribunal.

The Tribunal determined that as at the date of the application in January 2024 the unpaid rent stood at £3,240. No application to amend the application had been made.

Decision

The Tribunal granted a payment order in favour of the Applicants in a sum of £3,240.

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.

Gillian Buchanan

Legal Member/Chair

25 June 2024
Date