



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 2196

Chamber Ref: FTS/HPC/CV/24/1167

Re: Property at 525A Main Street, Mossend, Bellshill, ML4 1DG (“the Property”)

Parties:

FM Properties, 33 Silverwells Crescent, Bothwell, G718DS (“the Applicant”)

Mr Michael Martin, 9 Hillfoot Avenue, Coltness, Wishaw, ML2 8TN (“the Respondent”)

Tribunal Members:

Gillian Buchanan (Legal Member)

Decision (in absence of the Respondent)

At the Case Management Discussion (“CMD”), which took place by telephone conference on 9 September 2024, the Applicant was represented by Ms Angelina Franchitti, a partner of the Applicant. 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 First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that:-

Background

The Tribunal noted the following background:-

- i. The Applicant leased the Property to the Respondent in terms of a Private Residential Tenancy Agreement (“the PRT”) that commenced on 12 February 2021.
- ii. The rent payable in terms of the PRT is £395 per calendar month.
- iii. The deposit payable in terms of the PRT is £395.
- iv. The tenancy ended on 14 July 2023.

- v. The rent arrears due as at the date of the application were £7,200.

The CMD

At the CMD Ms Franchitti for the Applicant made the following representations:-

- i. The deposit paid by the Respondent was returned to the Applicant by the tenancy deposit scheme following the end of the tenancy and was claimed for works required to the Property. The Respondent did not oppose the Applicant's claim for the return of the deposit.
- ii. The Respondent has made two recent payments towards the rent arrears being £50 on each of 16 and 30 August 2024. These payments were made following service of the Tribunal papers.
- iii. The balance of the arrears due is £7,100.
- iv. The Applicant seeks a payment order in a sum of £7,100.

Findings in Fact

- i. The Applicant leased the Property to the Respondent in terms of the PRT that commenced on 12 February 2021.
- ii. The rent payable in terms of the PRT is £395 per calendar month.
- iii. The deposit payable in terms of the PRT is £395.
- iv. The tenancy ended on 14 July 2023.
- v. The deposit paid by the Respondent was returned to the Applicant by the tenancy deposit scheme following the end of the tenancy and was claimed for works required to the Property. The Respondent did not oppose the Applicant's claim for the return of the deposit.
- vi. The Respondent has made two recent payments towards the rent arrears being £50 on each of 16 and 30 August 2024. These payments were made following service of the Tribunal papers.
- vii. The balance of the arrears due is £7,100.

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 Applicant within the application papers and orally by Franchitti at the CMD was not challenged and was accepted by the Tribunal.

The rent arrears outstanding and due are £7,100 and the Applicant is entitled to an order in that amount.

Decision

The Tribunal granted a payment order in favour of the Applicant in a sum of £7,100.

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

9 September 2024

Date