



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/24/2621

Re: Property at 1 Goldcrest Crescent, Lesmahagow, ML11 0GU (“the Property”)

Parties:

Keam Homes (Scotland) Ltd, 14 City Quay, Dundee, DD1 3JA (“the Applicant”)

Miss Amy Bowman and Mr James Stephens, 1 Goldcrest Crescent, Lesmahagow, ML11 0GU (“the Respondents”)

Tribunal Members:

Shirley Evans (Legal Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to make an order for payment against James Stephens in favour of the Applicant in the sum of FOURTEEN THOUSAND SIX HUNDRED AND TWENTY FIVE POUNDS (£14 625) STERLING. The order for payment will be issued to the Applicant 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 Respondents.

Background

- 1. This is an action for recovery of 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 a Private Residential Tenancy Agreement dated 5 April 2023 between the parties and a rent statement to a 6 June 2024 showing arrears of £7800.**

3. On 2 July 2024, the Tribunal accepted the application under Rule 9 of the Regulations.
4. A Case Management Discussion (“CMD”) assigned for 4 December 2024 was discharged. A further CMD was assigned to proceed under Rule 17 of the Regulations on 6 February 2025. On 10 January 2025 the Tribunal advised the Applicant by email and the Respondents by Recorded Delivery letter that the CMD would proceed on 6 February 2025.
5. The Respondents did not make any representations.
6. On 24 January 2025 the Applicant’s letting agent, Rent Locally requested that the application be amended in relation to the sum claimed from £7800 to £14 764.29 in terms of Rule 14A of the Regulations. This was accompanied by an up to date rent statement.

Case Management Discussion

7. The Tribunal proceeded with the CMD on 6 February 2025. Mr Steven Murray from Rent Locally appeared for the Applicant. His colleague Ms Gage was also in attendance. There was no appearance by or on behalf of the Respondents despite the CMD starting 10 minutes late to allow them plenty of time to join the call. The Tribunal was satisfied Mr Stephens, but not Ms Bowman, had received notice under Rule 24 of the Regulations and accordingly proceeded with the CMD in his absence.
8. The Tribunal had before it the Private Residential Tenancy Agreement between the parties dated 5 April 2023 and the up to date rent showing arrears of £14 764.29. The Tribunal considered these documents.
9. Mr Murray advised the Tribunal that he was looking for an order for payment against Mr Stephens in the sum of £14 764.29 which were the arrears to 10 February 2025 when the Applicant had arranged an eviction against Mr Stephens. He advised the Applicant was not seeking any order against Ms Bowman who they believed had left the Property in October 2023. The Tribunal noted the terms of the up to date rent statement lodged and that the arrears to date were £14 625.
10. Mr Murray advised Mr Stephens had been non communicative. They had not been able to get any response from him with regards to the arrears or indeed the notice of eviction which had been served by Sheriff Officers. It appeared he was no longer in the Property although there was some furniture left in the Property.

Reasons for Decision

11. The Tribunal considered the issues set out in the application together with the documents lodged in support, including the tenancy agreement and the rent statements. Further the Tribunal considered the submissions made by Mr Murray.
12. The Tribunal noted the terms of the tenancy agreement and the rent statement which set out how the arrears had arisen. The Applicant had produced evidence of persistent non-payment of rent. Mr Stephens had not disputed the application. Further, the Tribunal was satisfied that the sum sought should be increased to £14 625 in terms of Rule 14A of the Regulations. The Tribunal was satisfied on the basis of the documents lodged, together with Mr Murray's submissions that an order for payment in favour of the Applicant be granted in the increased sum against Mr Stephens.

Decision

13. The Tribunal granted an order for payment of £14 625 against Mr Stephens in favour of the Applicant.

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.

S.Evans

6 February 2025

Legal Member

Date