



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71(1) of the Private Housing (Tenancies) (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/CV/19/0840**

**Re: Property at 41 Balfron Drive, Coatbridge, ML5 4FF (“the Property”)**

**Parties:**

**Mr Tauseef Arshad, 415 High Street, Motherwell, ML1 5SP (“the Applicant”)**

**Mr David Ashmeed, Mrs Camille Bailey, 41 Balfron Drive, Coatbridge, ML5 4FF (“the Respondent”)**

**Tribunal Members:**

**Patricia Pryce (Legal Member)**

**Decision in absence of the Respondent**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment in the sum of £3,995 (THREE THOUSAND NINE HUNDRED AND NINETY-FIVE POUNDS STERLING) should be granted.**

- **Background**

The Applicant made the present application seeking payment of rent arrears in respect of the tenancy of the Property.

- **The Case Management Discussion (CMD)**

The Applicant attended at the CMD. The Respondents did not attend nor were they represented.

The Tribunal noted that the application had been served on the Respondents by way of sheriff officers. In addition, the Applicant submitted that the Respondents had vacated the Property on 21 May 2019, handing back the keys to him.

In light of the above, the Tribunal determined to continue with the CMD in the absence of the Respondents as it considered that it was in the interests of fairness and justice. The Respondents had been served with the application, had not submitted any representations, had not arranged for any representation and had not attended the CMD.

The Applicant submitted that he now sought to amend his application insofar as he was now seeking £3,995 by way of rent arrears. He had submitted an updated rental statement by way of email on 24 May 2019. He had sent this by email to the Respondents. Email was the agreed method of communication between the parties in terms of the tenancy agreement.

Given that the Applicant had emailed the Respondents and the Tribunal in advance of the CMD with the an updated rental statement and intimation that he sought the amended increased sum, the Tribunal determined to allow the Applicant to seek the increased sum as the Respondents had been notified of this in advance of the CMD by the Applicant.

The Applicant submitted that the Respondents had only paid two months of rent. They had not paid any rent since January 2019. The rent per calendar month was £915. Despite repeated requests by the Applicant, the Respondents had failed to pay any further rent.

- Findings in Fact

1. The parties entered into a tenancy agreement in respect of the Property on 12 November 2018.
2. This was a private rented sector tenancy under the 2016 Act.
3. The rent due and payable was £915 per calendar month.
4. The Respondents made two payments of the monthly rent.
5. The Respondents have made no payment of rent since January 2019.
6. The Respondents vacated the property on 21 May 2019.
7. The amount of rent due to the end of their tenancy is £3,995 which sum remains outstanding.

- Reasons for Decision

In a seven month lease period, the Respondents had only made payment of two months' rent to the Applicant. The amount of rent arrears at the CMD amounted to £3,995. The Tribunal determined that the amended amount sought was due and resting, owing by the Respondents to the Applicant.

- Decision

The Tribunal determined to grant the order for payment in the amended amount of £3,995.

## **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.

**Mrs Patricia Anne Pryce**

**28 May 2019**

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**Legal Member/Chair**

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**Date**

\*Insert or Delete as required