



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the Housing (Scotland) Act 2014 (Act)

Chamber Ref: FTS/HPC/CV/20/1242

Re: Property at 8 Michael Terrace, Chapelhall, Airdrie, ML6 8TQ (“the Property”)

Parties:

Mr Faisal Saeed, 52 Eastcroft Court, Livingston, West Lothian, EH54 7ET (“the Applicant”)

Miss Louise Dickson, Mr Colin David Ross, 10 Lubnaig Place, Airdrie, ML6 0LS; UNKNOWN, UNKNOWN (“the Respondents”)

Tribunal Members:

Alan Strain (Legal Member)

Decision (in absence of the 2nd Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment in the sum of £1450 with interest at a rate of 3.5% per annum from 17 December 2020 be granted. Further, that the sum order to be paid be paid by monthly instalments of £50 commencing 29 December 2020 and on the 28th of the month thereafter.

Background

This is an application under Rule 70 and section 16 of the Act in respect of alleged rent arrears due by the Respondents.

The Tribunal had regard to the following documents:

1. Application received 4 June 2020;
2. Short Assured Tenancy Agreement (**SAT**) commencing 21 December 2013;
3. Schedule of Rent Arrears;
4. CMD Note from 13 October 2020;
5. Letter of 14 December 2020 from the 1st Respondent’s solicitors.

6. Certificate of Service of Tribunal CMD Notification by Advertisement on Respondents dated 17 December 2020.

Case Management Discussion (CMD)

The case called for a CMD by conference call on 17 December 2020. The Applicants participated and were represented by Mr Harris. The Respondents did not participate but the 1st Respondent was represented by Mr McQuillan. The 2nd Respondent was not represented.

The Tribunal delayed the start of the CMD to see if the 2nd Respondent would participate. The 2nd Respondent did not.

The Parties representatives informed the Tribunal that they had reached agreement and that Ms Dickson (1st Respondent) consents to an order passing against her in the sum of £1450 with interest at a rate of 3.5% per annum from 17 December 2020. In addition that monthly payments of £50 are to be made thereafter (the first commencing 29 December 2020 and then monthly thereafter on the 28th day of each) until payment.

Mr Harris sought an order against both Respondents on the basis that the 2nd Respondent had notification of the CMD by virtue of the Service by Advertisement and had not participated.

In the circumstances the Tribunal was satisfied that the 2nd Respondent had notification of the CMD and the fact that the Tribunal could deal with the matter in his absence and grant an order if it had sufficient information to do so and the procedure was fair.

As the Parties were in agreement the Tribunal granted the order sought on the terms agreed.

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.

A. S

17 December 2020

Legal Member/Chair

Date

