



**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**

Chamber Ref: FTS/HPC/CV/21/2361

Re: Property at Flat 2, 193 Quarry Street, Hamilton, ML3 6QW (“the Property”)

Parties:

**Graham Broadhurst and Angela Broadhurst, 61 Kethers Street, Motherwell, ML1
3HF (“the Applicant”)**

**Mr Juma Bubakali, Flat 2, 193 Quarry Street, Hamilton, ML3 6QW (“the
Respondent”)**

Tribunal Members:

George Clark (Legal Member) and Mike Scott (Ordinary Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that the application should be decided without a Hearing
and made an Order for Payment by the Respondent to the Applicant of the sum
of £5,563.**

Background

By application, received by the Tribunal on 28 September 2021, the Applicant sought an Order for Payment in respect of unpaid rent that had become lawfully due by the Respondent to the Applicant. The sum sought was £3,463, with interest from the date of the Tribunal’s decision.

The application was accompanied by a copy of a Private Residential Tenancy Agreement between the Parties, commencing on 25 October 2019 at a rent of £525 per month, and a Rent Statement showing arrears as at 27 August 2021 of £3,463.

On 21 December 2021, the Tribunal advised the Parties of the date and time of a Case Management Discussion, and the Respondent was invited to make written representations by 11 January 2022. The Respondent did not make any written representations to the Tribunal.

On 10 January 2022, the Applicant's solicitors requested leave to amend the application to increase the amount sought to £5,563, no payments having been received since the date of the application.

Case Management Discussion

A Case Management Discussion was held by means of a telephone conference call on the morning of 27 January 2022. The Applicant was represented by Ms Alexandra Wooley of Bannatyne, Kirkwood France & Co, solicitors, Glasgow. The Respondent was not present or represented. The Applicant's representative told the Tribunal that no payments of rent had been received since the date of the application and that the arrears were currently £6,088. She accepted that the Tribunal could only award the sum sought in the application, as amended on 10 January 2022.

Reasons for Decision

Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 provides that the Tribunal may do anything at a Case Management Discussion which it may do at a Hearing, including making a Decision. The Tribunal was satisfied that it had before it all the information and documentation it required to enable it to decide the application without a Hearing.

The Tribunal was satisfied that the amount sought in the application, as amended to £5,563, had become lawfully due by the Respondent to the Applicant. The Tribunal refused the request for interest on the sum due from the date of its Decision.

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.

G. C

Legal Member/Chair

27 January 2022
Date