



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 111 of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations (“the 2017 Regulations”) and section 71 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”)

Chamber Ref: FTS/HPC/CV/19/2179

Re: Property at 2/1, 2 Leitchland Road, Paisley, PA2 0HB (“the Property”)

Parties:

Mr David Lang, C/o GMH Chartered Accounts, St James Business Centre, 29 Linwood Road, Paisley, PA3 3AT (“the Applicant”)

Mr Paul Good, Mrs Yvette Good, 236 Grieve Road, Greenock, PA16 7AN (“the Respondent”)

Tribunal Members:

Graham Dunlop (Legal Member)

Decision in the absence of the respondent

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that

The Respondent is to pay the sum of FOUR HUNDRED AND SEVENTY POUNDS SIXTEEN PENCE (£470.16) Sterling to the Applicant.

Background

The respondent entered into a tenancy commencing on 16th October 2017 and which was terminated following vacating the property in December 2018. In December 2018 the rent arrears were £700.16.

Case Management Discussion

The applicant was represented by his daughter Rebecca Lang (“Ms Lang”).

The respondent did not attend or otherwise arrange to be represented. I have been provided with proof of service from Sheriff Officer's dated 2nd August 2019 confirming service of notice of the hearing together with guidance and relevant time to pay documentation.

Ms Lang explained that in February 2019 there had been two payments totalling £230 towards the rent arrears by the respondent.

Since February the applicant has attempted to contact the respondent by telephone (including calls and texts); by email; and letter. The respondent did not respond to any of the attempted communications which were made up to and including July 2018.

The applicant has provided a rent ledger showing the outstanding rent of £470.16

Findings in Fact

I find that there was a tenancy between the applicant and respondent until December 2018 which obliged the respondent to pay rent

I find that there are rent arrears outstanding to date of £470.16.

Reasons for Decision

I have taken into account part performance of payment of the arrears which convinced me that the tenancy ended with rent arrears. I also had regard to the rent ledger document showing rent arrears. I found Ms Lang to be credible in describing the efforts made to contact the respondent to secure payment without the necessity of an order for payment.

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.

Graham Dunlop

Legal Member/Chair

13 September 2019

Date