



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

Chamber Ref: FTS/HPC/CV/19/3213

Re: Property at 124 Glenacre Road, North Carbrain, Cumbernauld, G67 2PE ("the Property")

Parties:

Mr Paul Mullan, Mrs Sharon Mullan, 104 Dunedin Drive, Hairmyres, East Kilbride, G75 8QH ("the Applicant")

Mr Daniel Greer, 124 Glenacre Road, North Carbrain, Cumbernauld, G67 2PE ("the Respondent")

Tribunal Members:

Alan Strain (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that the Respondent pay the sum of £1,469.44 to the Applicant.

Background

This is an application under section 71 of the Act and Rule 111 of the Tribunal Procedure Rules in respect of rent arrears.

The Tribunal had regard to the following documents:

1. Application received 8 October 2019;
2. Private Residential Tenancy Agreement (PRTA) commencing 29 March 2019.

Case Management Discussion (CMD)

Alan Strain

The case called for a CMD on 6 December 2019. The Second Applicant appeared and represented both Applicants. The Respondent did not appear and was not represented.

The Tribunal was satisfied that the Respondent had notification of the CMD by virtue of Sheriff Officers Certificate of Service dated 7 November 2019. The Respondent was aware that the Tribunal could determine the matter in his absence if satisfied that it had sufficient information to do so and the procedure was fair.

The Tribunal considered the documentation and made the following findings in fact:

1. The Parties entered in to a PRTA commencing 29 March 2019;
2. The monthly rent was £300;
3. As at 29 September 2019 the Respondent was in arrears in the sum of £1,469.44.

The Tribunal was satisfied that it had sufficient information to determine the matter and the procedure was fair. The Tribunal ordered the Respondent to pay the rent arrears of £1,469.44 to 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.

Since an appeal is only able to be made on a point of law, a party who intends to appeal the tribunal's decision may wish to request a Statement of Reasons for the decision to enable them to identify the point of law on which they wish to appeal. A party may make a request of the First-tier Tribunal for Scotland (Housing and Property Chamber) to provide written reasons for their decision within 14 days of the date of issue of this decision.

Where a Statement of Reasons is provided by the tribunal after such a request, the 30 day period for receipt of an application for permission to appeal begins on the date the Statement of Reasons is sent to them.

Alan Strain

6 December 2019

Legal Member/Chair

Date