

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/19/1429

Re: Property at 1 East Glen Avenue, Livingston, EH54 8BP (“the Property”)

Parties:

Mr Robert Woolford, The Bellhouse, Avonbridge, Falkirk, FK1 2JY (“the Applicant”)

Mr Allan Walker, Ms Samantha Brentley, 1 East Glen Avenue, Livingston, EH54 8BP (“the Respondents”)

Tribunal Members:

Graham Harding (Legal Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant was entitled to an order for payment by the Respondents to the Applicant in the sum of £3750.00.

Background

1. By application dated 8 May 2019 the Applicant applied to the Tribunal for an order for payment by the Respondent in respect of alleged rent arrears arising from the Respondents tenancy of the property. The Applicant provided the Tribunal with a copy of the Tenancy Agreement and rent statement in support of the application.
2. By Notice of Acceptance dated 20 May 2019 a legal member of the Tribunal accepted the application and a Case Management Discussion was assigned.
3. Intimation of the Case Management Discussion was given to the Applicant’s representatives T C young, Solicitors, Glasgow by post on 5 June 2019 and to the Respondents by Sheriff Officers on 7 June 2019.
4. By letter dated 14 June 2019 the Applicant’s representatives intimated an amendment to the sum claimed to the Respondents and the Tribunal seeking to increase the sum claimed from £2500.00 to £3750.00.

5. The Respondents did not make any written representations to the Tribunal in advance of the Case Management Discussion.

The Case Management Discussion

6. The Case Management Discussion was attended by Ms Nicola Caldwell of the Applicant's representatives on behalf of the Applicant. There was no appearance or representation on behalf of the Respondents. The Tribunal being satisfied that proper intimation of the Case Management Discussion had been given to the Respondents determined to proceed in their absence in accordance with Rule 29 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 ("the 2017 Regulations").
7. Ms Caldwell submitted an up to date rent statement that confirmed that the rent due by the Respondent remained as stated in the proposed amendment at £3750.00. She confirmed that she had spoken to the Applicant this morning and he had confirmed that the Respondents had not made any further payments of rent. The Tribunal therefore allowed the sum claimed to be amended to £3750.00. Ms Caldwell referred the Tribunal to the Tenancy Agreement lodged with the application.
8. Ms Caldwell asked the Tribunal to grant an order for payment of the amended sum of £3750.00.

Findings in Fact

9. The parties entered into a Private Residential Tenancy Agreement that commenced on 4 December 2018 at a monthly rent of £625.00.
10. The Respondents have accrued rent arrears as at 4 July 2019 amounting to £3750.00.

Reasons for Decision

11. The Tribunal was satisfied that the parties entered into a Private Residential Tenancy Agreement at a monthly rent of £625.00. The last payment of rent by the Respondents was on 4 January 2019. No rent has been paid since that date and the arrears are now £3750.00. Intimation of the amended sum sought had been given to the respondents both by the Applicant's representatives and the Tribunal.
12. The Respondents had been given notice of the Application and had not submitted any written opposition nor had they attended the Case Management Discussion. In all the circumstances the Tribunal was satisfied that the amended sum claimed by the Applicant was due by the Respondents and the Applicant was entitled to an order for the amended sum sought.

Decision

13. The Tribunal finds the Applicant entitled to an order for payment by the Respondents in the sum of £3750.00.

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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 Harding
Legal member/Chair

11 July 2019
Date