



**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/19/1539**

**Re : Property at 28 Caledonian Road, Wishaw ML2 8AR (“the Property”)**

**The Parties:-**

**Mrs Audrey Neill, 98 Wishaw Road, Wishaw ML2 8EA (“the Applicant”)**

- (1) Jordan Taylor, residing or formerly residing at 28 Caledonian Road, Wishaw ML2 8AR (“the First Respondent”)**
- (2) Chloe Munro, residing or formerly residing at 28 Caledonian Road, Wishaw ML2 8AR (“the Second Respondent”)**

**The Tribunal comprised:-**

**Mr David Bartos - Legal member and Chairperson**

**DECISION**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the First and Second Respondents shall pay to the Applicant jointly and severally the sum of ONE THOUSAND SIX HUNDRED POUNDS (£ 1600.00) STERLING.**

**Background**

- 1. In October 2018 the parties entered into a private residential tenancy of the Property with the Applicant as landlord and the Respondents as tenants. The Applicant seeks an order for payment of rent by the Respondents.**

2. On 12 July 2019 at 14:05 hours the Tribunal had a case management discussion ("CMD") at the Glasgow Tribunals Centre attended by the Applicant supported by her son John Neill. There was no appearance by or on behalf of the Respondents. The Tribunal noted that Notice of the CMD at today's date and venue had been given to the Respondents in letters from the Tribunal dated 6 June 2019 which had been served on them by sheriff officer on 10 June 2019 as per his certificates of citation dated 12 June 2019. The Tribunal confirmed that no contact with the Tribunal Office had been made by the Respondents before the commencement of the CMD. The Tribunal proceeded with the CMD. It took the view that in all the circumstances it was not unfair to the Respondents to proceed with the CMD and that it would be unfair to the Applicant for there to be delay.
3. The Respondents had not made any written representations to the Tribunal opposing the application or taking issue with the documents lodged by the Applicant.

#### **4. *Facts Not in Dispute Between the Parties***

(a) On 27 October 2018 the Applicant entered into a written private residential tenancy of the Property to the Respondents ("the Lease") with the consent of her co-owner John Neill. The Lease commenced on 27 October 2017 and was under the Private Housing (Tenancies) (Scotland) Act 2016.

(b) The Lease provided for the payment by the Respondents to the Applicant of rent of £ 375 per month payable jointly and severally in advance on the 27th day of each month. The Lease has continued in force.

(c) The Respondents have paid none or only part of the full rent due in December 2018 to April 2019.

(d) The total amount of rent due and unpaid up to 28 April 2019 is £ 1,600 as per the Applicant's statement of rent due and arrears up to the period ending 27 April 2019.

(e) On 20 May 2019 the Applicant had applied to the Tribunal for an order for payment of the sum of £ 1,600. It remains due and unpaid. John Neill expresses approval of payment of the rent to the Applicant.

#### ***Oral Evidence and Submission***

5. At the CMD the Applicant confirmed that she and her son John co-owned the Property. She and he confirmed that he had consented to the Lease as lodged by her and that no further payments had been made following the statement of rent due and arrears.

6. She noted that other instalments of rent had become due since April 2019 and remained unpaid but preferred to have the application decided at the CMD rather than to seek amendment of the application to include those additional amounts.
7. She submitted that no defence had been stated and that the Tribunal should grant the order sought without continuation to a hearing.

### ***Reasons***

8. The Tribunal considered the application, the oral submission and evidence of the Applicant and the documentary evidence submitted by her. It found that it was able to make sufficient findings in fact and that to do so was not contrary to the interests of the parties. It was therefore able to decide the case at the CMD without a hearing. It could see no benefit to be gained from a further hearing which would cause delay.
9. The Tribunal was satisfied that the Applicant had given her evidence credibly and was reliable. No doubt was cast on that or the documentary evidence. On that basis the Tribunal made the findings in fact set out above.
10. The Tribunal accepted that there had been a breach by the Respondents of their duty to pay the rent under the Lease and that the amount sought remained unpaid. In the circumstances the Tribunal awarded the Applicant the sum of rent sought by her.

### ***Outcome***

11. The First-tier Tribunal for Scotland (Housing and Property Chamber) orders the Respondents to pay to the Applicant jointly and severally the sum of One Thousand Six Hundred Pounds (£ 1600.00) Sterling.

### ***Right of Appeal***

12. In terms of section 46 of the Tribunals (Scotland) Act 2014 a party aggrieved by the decision of the Tribunal may seek to 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.

**NOTE: This document is not confidential and will be made available to other First-tier Tribunal for Scotland (Housing and Property Chamber) staff, as well as issued to tribunal members in relation to any future proceedings on unresolved issues.**

David Bartos  
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**Legal Member**

12 July 2019  
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**Date**