

Housing and Property Chamber
First-tier Tribunal for Scotland



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

Chamber Ref: FTS/HPC/CV/18/2119

Re: Property at 2A Langfaulds Crescent, Faifley, G81 5HQ (“the Property”)

Parties:

A & M Lettings Ltd, 27 Dowanhill Street, Glasgow, G11 5QR (“the Applicants”)

Mr Keith Hutchinson, Ms Siobhan Higgins, 2A Langfaulds Crescent, Faifley, G81 5HQ; 2A Langfaulds Crescent, Faifley, G81 5HQ (“the Respondents”)

Tribunal Members:

David Preston (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the respondents pay to the applicants the sum of £2123.29 as arrears of rent under the tenancy agreement between the parties.

Background

1. By application dated 10 August 2018 the applicants sought payment of arrears of rent from the respondents arising from the Tenancy Agreement between the parties dated 30 May 2017.
2. A Case Management Discussion (CMD) was held on 26 October 2018 at which Ms Anne Halsey was present. It was determined that the respondents had not received due notification of the CMD and the tribunal accordingly adjourned the CMD until today.
3. At the CMD the tribunal noted that the rent account lodged contained arrears accrued before the commencement of the current tenancy agreement on 30 May 2017. Accordingly, the tribunal issued a Direction for the applicant to lodge an updated rent account dealing with arrears since 30 May 2017.

4. On 26 October 2018 the respondents lodged the updated rent statement.
5. On 9 November 2018 Sheriff Officers duly served intimation of the CMD on the Respondents in terms of Certificate of Service of that date.

The Case Management Discussion

6. Ms Anne Halsey of A & M Letting attended the CMD and there was no appearance by or on behalf of the respondents. The tribunal was satisfied that the respondents had been duly served with the notice of intimation of the CMD and that the papers were all in order. the tribunal was content to proceed in the absence of the respondents.
7. Ms Halsey confirmed that no further payments had been received and that the respondents had vacated the property on 1 December 2018. The rent due in terms of the updated rent account was the whole rent outstanding under the tenancy agreement, the payment due on 1 November 2018 being for the month of November.
8. The tribunal noted that the updated rent account covering the rent due from 30 May 2017 to 30 November 2018 was included within the papers served on the respondents.

Findings in Fact

9. The tenancy between the parties was constituted by tenancy agreement dated 30 May 2017.
10. Rent arrears amounting to ££2123.29 had accrued until the respondents vacated the property on 1 December 2018.
11. The respondents had received all relevant paperwork which was in order

Decision

12. The tribunal granted the Order for payment as sought.

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.

David Preston

Chairman

4 December 2018