



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber)**

Chamber Ref: FTS/HPC/CV/18/2151

Re: Property at 147 Caledonian Road, Wishaw, ML2 8AT (“the Property”)

Parties:

**Mr Andrew Prentice, Mrs Margaret Prentice, 22 Hillfoot Crescent,
Branchalwood, North Lanarkshire, ML2 8TL (“the Applicant”)**

**Miss Clair Brown, Mr Ian McNab, 147 Caledonian Road, Wishaw, ML2 8AT (“the
Respondent”)**

Tribunal Members:

Virgil Crawford (Legal Member)

Decision in absence of the Respondents

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

BACKGROUND

1. By lease dated 9 November 2017 the Applicants let the Property to the Respondents. The Landlord in the lease was stated to be Mr Andrew Prentice alone. Mrs Margaret Prentice, however, is joint owner of the Property and attended the Case Management Discussion where she confirmed she was aware of the lease and also the current proceedings and consented to the same;
2. The rent payable was £550 per calendar month;
3. The Respondent Clair Brown had removed herself from the Property. The Proceedings had not been served on her;

THE CASE MANAGEMENT DISCUSSION

4. The Applicant Andrew Prentice did not attend the Case Management Discussion. The Applicant Margaret Prentice did attend. Both were, however,

represented by Mr Alan Shillady of Shillady's estate and Letting Agents, Wishaw. Miss Morag Shillady of Shillady's, Wishaw also attended. Neither Respondent attended. The proceedings had not, in fact, been served on Clair Brown as her current whereabouts were unknown;

5. The Proceedings had been served on Ian McNab. The Tribunal being satisfied that the terms of Rule 24 of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (the "FTT Rules") had been complied with, proceeded with the Application in terms of Rule 29 of the FTT Rules;
6. At the time of the application to the Tribunal rent arrears amounted to £738.64. As at the date of the Case Management Discussion that figure had risen to £2,482.96. An application was made in terms of Rule 13 of the FTT Rules to amend the application to reflect the increased arrears now due. That amendment was allowed;
7. The Tribunal advised the Applicants that an order for payment could be made only against Ian McNab as the proceedings had not been served on Clair Brown. In terms of the lease Ian McNab is jointly and severally responsible for all sums due;

FINDINGS IN FACT

8. By lease dated 9 November 2017 the Applicants let the Property to the Respondents.
9. The rent due was £550 per calendar month;
10. As at 23 November, the date of the case Management Discussion, the rent due and payable amounted to £2,482.96;

DECISION

The Tribunal grants an order for payment by the Respondent Ian McNab to the Applicants in the sum of TWO THOUSAND FOUR HUNDRED AND EIGHTY TWO POUNDS AND NINETY SIX PENCE (£2,482.96) STERLING

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.

Virgil Crawford

23 November 2018

Legal Member/Chair

Date