



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/22/0096

Property: 7 Cheviot Crescent, Wishaw ML2 7PN (“the Property”)

Parties: Mrs Carrie Prescott, Mr Neville Prescott, 40 Belhaven Terrace, Wishaw ML2 7RN (“the Applicants”)

and

Mr Jack Lindsay, 7 Cheviot Crescent, Wishaw ML2 7PN (“the Respondent”)

Tribunal Members:

Mark Thorley (Legal Member)

Gerard Darroch (Ordinary Member)

Decision (in absence of the respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment by the respondent to the applicant in the sum of FIVE THOUSAND THREE HUNDRED AND FIFTY FIVE POUNDS (£5,355) be made.

Background

1. The applicant applied through their agents Mrs Lloyd of Independent Estates for an order in respect of outstanding rent arrears by way of application dated 13 January 2022. Accompanying the application was a copy of the Tenancy Agreement, change of email address, rent account and Form F.
2. The application was received by the tribunal on 14 January 2022. Certain further information was required by the tribunal. That information was submitted and on 18 February 2022 the application was accepted.
3. Intimation of the application was made to the respondent by sheriff officers on 11 March 2022.
4. No written representations were received from the respondent.

Case Management Discussion

5. Mrs Lloyd from Independent Estates attended on behalf of the applicant. The respondent did not appear nor was he represented.
6. Mrs Lloyd indicated that in terms of rent arrears these had now increased to the sum of £6,120. Although some payments were being made the arrears were increasing.

Findings in fact

7. The parties entered into a Private Residential Tenancy Agreement for the property at 7 Cheviot Crescent, Wishaw ML2 7PN with a commencement date of 1 August 2019.
8. In respect of the property rent was payable at the rate of £375 payable monthly and in advance.
9. As at 1 January 2022 rent was owed in the sum of £5,355.
10. Rent arrears had increased to the sum of £6,120 but this had not been intimated to the respondent.
11. An order for payment in the sum of £5,355 was made.

Reasons for decision

12. The respondent had not provided any written response nor had he attended at the case management discussion. Mrs Lloyd on behalf of the applicant was able to confirm the outstanding arrears as at the date of the application and at the current date. No issue was taken with this. There was a rent statement available. The tribunal accepted the evidence being provided by Mrs Lloyd together with the rent statement.
13. An order was made for payment of the outstanding rent as at the date of the application.

Decision

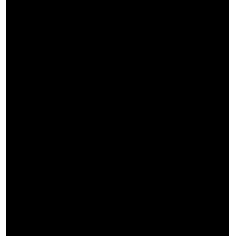
14. To make an order for payment by the respondent to the applicant of the sum of FIVE THOUSAND THREE HUNDRED AND FIFTY FIVE POUNDS (£5,355).

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.

Legal Member/Chair



Date: 29 April 2022