



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51(1) of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/EV/21/1860

Property: Property at 27 Anderson Crescent, Prestwick KA9 1EJ (“the Property”)

Parties: Mr Ryan Rodger (“the Applicant”)

and

Mr Christopher Lee, Ms Amanda Kinney (“the Respondents”)

Tribunal Members:

Mark Thorley (Legal Member)

Ms Linda Reid (Ordinary Member)

Decision (in absence of the respondents)

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 FOUR THOUSAND EIGHT HUNDRED POUNDS (£4,800) be made.

Background

1. The applicant applied to the First-tier Tribunal for Scotland (Housing and Property Chamber) (“the tribunal”) for an order for payment of rent arrears. Accompanying that application was a copy of the Tenancy Agreement together with a rent statement. Certain further information was required by the tribunal following upon the application being made on 29 July 2021. Documents were provided between 3 August 2021 and 23 November 2021.
2. On 2 December 2021 the tribunal accepted the application and a case management hearing was assigned for 8 February 2022.
3. Service of the proceedings was made upon the respondents by sheriff officer. No written representations were made by the respondents.

Case Management Discussion

1. At the case management discussion the applicant attended by way of teleconference. There was no appearance by or for the respondents..

2. The applicant described that he and his wife were the owners of the property and were both the landlords. The respondents had stopped paying rent in September 2020. As at July 2021 there were £4,800 of arrears. Rent was due to be paid at the sum of £450 per month. No further rent had been paid.

Findings in Fact

1. That a Tenancy Agreement existed between the parties dated 4 January 2020.
2. In terms of that Tenancy Agreement for the property at 27 Anderson Crescent, Prestwick KA9 1EJ rental was due to be paid at the sum of £450 per month.
3. There was rent outstanding as at the date of the application of £4,800.
4. No payment had been received subsequent to the lodging of the application.
5. An order for payment should be granted.

Reasons for Decision

The respondents had not provided any written representations and did not attend at the teleconference. The tribunal accepted the evidence provided by the applicant in respect of the rent arrears and in terms of the rent statement. Rent arrears as at the date of the application were £4,800.

Decision

To grant an order for payment by the respondent to the applicant of the sum of £4,800.

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.

11/02/2022

Legal Member/Chair

Date