



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 7(1) of the Private Housing
(Tenancies) (Scotland) Act 2016**

Chamber Ref: FTS/HPC/CV/19/2438

Re: Property at 35 Riverbank Drive, Bellshill, ML4 2PR (“the Property”)

Parties:

Mr Abdul Majid, C/O 26 Cadzow Street, Hamilton, ML3 6DG (“the Applicant”)

**Miss Adele Gaffney, Mr Andrew Robert Britton, 35 Riverbank Drive, Bellshill,
ML4 2PR; 35 Riverbank Drive, Bellshill, ML4 2PR (“the Respondent”)**

Tribunal Members:

Mary-Claire Kelly (Legal Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to grant an order for payment in the sum of TWO THOUSAND ONE HUNDRED POUNDS (£2100.00) in favour of the applicant

BACKGROUND

1. By application received on 2nd August 2019 the applicant sought an order for payment of unpaid rent in the sum of £2100. A tenancy agreement and rent account were lodged with the application.
2. A case management discussion (“cmd”) was assigned for 2nd October 2019. Sheriff Officers were unable to serve notice in respect of that cmd as when they attended the property it was no longer occupied.
3. A further CMD was assigned for 28th October 2019. Service on the respondents was by advertisement on the Tribunal’s website in terms of rule 6A.

CASE MANAGEMENT DISCUSSION

4. The CMD took place on 28th October 2019. The applicant was represented by Joanne Smith from Excel Letting Ltd.
5. The applicant's representative confirmed that parties entered into a lease agreement which commenced on 31st January 2019. The rent due in terms of the lease was £575 per calendar month.
6. The applicant lodged an updated rent account at the CMD. In terms of the updated rent account the amount due to the applicant was £2100. The Tribunal noted that the rent was payable monthly in advance and fell due on the 28th of the month.
7. The applicant's representative advised that the respondents had removed from the property on 27th August 2019. They had not given prior notice that they would be leaving.
8. The applicant's representative advised that she had no up to date address for either applicant and that both refused to return any telephone calls.

FINDINGS IN FACT

9. The parties entered into a lease agreement on 31st January 2019, in terms of which the respondents were liable to make monthly payments of £575 in advance.
10. As at 2nd August 2019 the respondents had rent arrears amounting to £2100.

REASONS FOR THE DECISION

11. Neither respondent was present at the CMD. The Tribunal had no reason to disbelieve the information provided by the applicant in relation to the unpaid rent and granted the Order accordingly.

DECISION

The Tribunal determined to grant an order for payment of £2100 in favour of the applicant.

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.

M C Kelly

Legal Member/Chair

28th October 2019
Date