



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

Chamber Ref: FTS/HPC/CV/22/2326

Re: Property at 1/1 20 Ayton Park North, Calderwood, East Kilbride, G74 3AY (“the Property”)

Parties:

Alan Grieve and Heather Elizabeth Grieve, residing together at 89 Commercial Road, Strathaven, South Lanarkshire, ML10 6JJ (“the Applicants”)

Mr Brian Bennet residing at 1/1 20 Ayton Park North, Calderwood, East Kilbride, G74 3AY (“the Respondent”)

Tribunal Members:

Paul Doyle (Legal 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 should be made.

Background

The Applicant sought an order for payment of rental arrears totalling £2,451.83. The Applicant had lodged with the Tribunal Form F. The documents produced were a Tenancy Agreement, copy correspondence, and a calculation of arrears of rental. A copy title sheet was lodged with the Tribunal which shows that the applicants are joint heritable proprietors of the Property.

Case Management Discussion

A case management discussion took place by telephone conference at 10.00am on 17 October 2022. Mr F Napier, of Jackson Boyd, solicitors, represented the applicants. There was no appearance by or on behalf of the Respondent. The application and details of this case management discussion were served on the respondents Sheriff Officers.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant are joint heritable proprietors of the property. The Applicant and the Respondents entered into a Tenancy Agreement for the Property on 1 February 2021.
2. The initial rent in terms of the Tenancy Agreement was £495.00 per month. The Respondent stopped paying rental on 1 February 2022. The arrears of rent steadily increased until he terminated the lease and vacated the property on 29 June 2022.
3. At the date of application, there were arrears of rental totalling £2,451.83. At today's date there are still arrears of rental totalling £2,451.83.
4. Notice of the date, time, and method of joining this hearing was served on the Respondents by Sheriff Officers on 1 September 2022.

Reasons for the Decision

The Tribunal determined to make an Order for payment of £2,451.83. Rent was lawfully due in terms of clause 8 of the Tenancy Agreement at the rate of £495.00 per month. The Respondent allowed arrears of rental to accrue. At today's date there are still arrears of rental totalling £2,451.83.

Decision

For the foregoing reasons, the Tribunal determined to make an Order for payment.

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.

Where such an appeal is made, the effect of the decision and of any order is suspended until the appeal is abandoned or finally determined by the Upper Tribunal, and where the appeal is abandoned or finally determined by upholding the decision, the decision and any order will be treated as having effect from the day on which the appeal is abandoned or so determined.

Paul Doyle

Legal Member

Date 17 October 2022

