



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/20/0181

Re: Property at 23 Moravia Avenue, Bothwell, G71 8QA (“the Property”)

Parties:

Mr James Smith, 40 Mough Lane, Chadderton, Oldham, OL9 9PJ (“the Applicant”)

Miss Lynne MacDonald, Mr Steven Munro, 23 Moravia Avenue, Bothwell, G71 8QA (“the Respondents”)

Tribunal Members:

Nairn Young (Legal Member) and Elizabeth Williams (Ordinary Member)

Decision (in absence of the Respondents)

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

- Background
- 1. This application is for an order for payment of rent arrears alleged to be owed by the Respondents to the Applicant in terms of their private residential tenancy at the Property. It called for a hearing by teleconference at 10am on 12 October 2020. The Applicant was represented on the call by Mr Moffat of Anderson Strathern LLP, solicitors. The Respondents did not call in to the hearing and were not represented.
- 2. The matter had called previously for a case management discussion (‘CMD’) on 14 August 2020. The first-named Respondent had appeared at that CMD and intimated an intention to defend the application on various grounds. A direction was made requiring these grounds to be specified in writing and some particular questions to be answered by 31 August 2020. The Respondents did not answer that direction. The Respondents received notification of this hearing by letter dated 11 September 2020.

3. Given their failure to engage with the Tribunal process since the CMD, and the prejudice any adjournment would cause to the Applicant, in the form of inconvenience, delay and expense in instructing a representative, the Tribunal considered it was in the interests of justice to proceed to determine the matter in the Respondents' absence.

4. At the CMD, the Applicant made an application to amend the sum sought to £3,710. Consideration of that application was adjourned to this hearing. The Applicant renewed his request at the hearing and it was granted by the Tribunal.

- Findings in Fact

5. The Applicant rents the Property to the Respondents in terms of a private residential tenancy agreement with a start date of 24 June 2019.

6. In terms of that agreement, rent of £420 is due on the 28th day of each month.

7. Also in terms of that agreement, the Respondents are jointly and severally liable for the payment of the rent.

8. From the start date until 28 August 2020 (inclusive), the Respondent should have paid £6,300 in rent.

9. Over that same period, the Respondents have paid the Applicant £2,590.

10. The Respondents owe the Applicant £3,710 in unpaid rent.

- Reasons for Decision

11. The Respondents owe the Applicant the amount sought (as amended). An order for payment of that amount should therefore be made.

- Decision

Order made for payment by the Respondents to the Applicant of the sum of £3,710 (THREE THOUSAND, SEVEN HUNDRED AND TEN POUNDS 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.

N. Young

12 October 2020

Legal Member/Chair

Date