



**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/20/0670**

**Re: Property at Lower Ground Floor Flat, 37 East Princes Street, Rothesay, Isle of Bute, PA20 9DN (“the Property”)**

**Parties:**

**Harry and Hazel Greene trading as  
Mountclare Homes, Clydeview, Ascog, Isle of Bute, PA20 9EU (“the Applicant”)**

**Mr Richard Murphy, 9 Caledonia Walk, Rothesay, Isle of Bute, PA20 0EH (“the Respondent”)**

**Tribunal Members:**

**Martin McAllister (Legal Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order be made against the Respondent for payment of the sum of Nine Hundred and Ninety One Pounds Seventeen Pence (£991.17) to the Applicant.**

**Background**

**On 21<sup>st</sup> February 2020 the Applicant submitted an application to the First-tier Tribunal for Scotland seeking payment of the sum of £991.17 in respect of rent arrears.**

**The date of the case management discussion was intimated to the Respondent who made no written representations.**

**A case management discussion was held on 13th August 2020. It was held by audio conferencing because of the current public health emergency.**

## **The Case Management Discussion**

**There was no appearance by the Respondent and the commencement of the case management discussion was delayed until 11.40 am. The Tribunal noted that intimation of the case management discussion had been served on the Respondent by Sheriff Officer on 16<sup>th</sup> July 2020.**

**Mr Harry Greene and Mrs Hazel Greene, who described themselves as the landlords, were present.**

**The Legal Member explained the purpose of a case management discussion. Clarification was sought on the status of Mountclare Homes and Mr Greene advised that the position is that Harry and Hazel Greene trade as Mountclare Homes.**

**Mr Greene said that the Respondent had left the Property on 16<sup>th</sup> November 2018 and that the sum being sought was in relation to rent arrears which had accrued during the Respondent's tenancy of the Property. After some discussion, Mr Greene said that the claim for costs and interest in addition to the principal sum would be withdrawn and that all he was looking for was the sum of £991.17. He indicated that he considered that the Tribunal had all the necessary information for it to make a decision and that a Hearing was not required.**

## **Findings in Fact**

- 1. The parties entered into a private residential tenancy agreement in respect of the Property.**
- 2. The private residential tenancy agreement was dated 9<sup>th</sup> April 2018.**
- 3. The tenancy ended on 16<sup>th</sup> November 2020.**
- 4. There are rent arrears of £991.17 due by the Respondent in respect of his tenancy of the Property.**

## **Documents before Tribunal**

- 1. Private residential tenancy agreement dated 9<sup>th</sup> April 2018.**
- 2. Statement of arrears incorporated in the application.**
- 3. Sheriff Officer Certificates of Citation dated 16<sup>th</sup> July 2020**
- 4. Copies of text messages.**

## **Reasons**

**The Tribunal accepted that the Respondents owed £991.17 to the Applicant in respect of rent arrears. The Tribunal was satisfied that intimation of the case management discussion had been made on the Respondents who had made no written representations or appearance. The Tribunal had no reason to dispute the accuracy of the rent statement showing the sum due to be £991.17 and it accepted that the Respondent had a contractual obligation to make payment of the rent in terms of the private residential tenancy agreement. The Tribunal accepted the evidence of Mr Greene that the sum sought by him is**

outstanding and it also had regard to the various text messages between the parties which evidenced that the Respondent had been asked to pay the arrears. These messages contained no dispute from the Respondent that there are arrears of rent.

The Tribunal saw no reason not to make an order and considered that it was not necessary to continue determination of the application to a Hearing.

### **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.

**Martin J. McAllister**  
**Legal Member**  
**13<sup>th</sup> August 2020**