



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

Chamber Ref: FTS/HPC/CV/21/1550

Re: Property at Flat 1, 86-88 Irish Street, Dumfries, DG1 2PB (“the Property”)

Parties:

Mr Mohammed Miah and Mr Mohammed Patel, 18 Pelham Road, Ilford, Essex, IG1 1RF (“the applicants”)

Mr Gary Weems, Flat 1, 86-88 Irish Street, Dumfries, DG1 2PB (“the respondent”)

Tribunal Members:

David Preston (Legal Member) and Angus Lamont (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the applicants were entitled to an order for payment by the Respondent in the sum of SIX THOUSAND FOUR HUNDRED POUNDS (£6400).

Background:

1. By application dated 26 June 2021 the applicants applied to the Tribunal for an order for payment on the grounds that the respondent had accrued rent arrears under a Private Residential Tenancy Agreement. The applicant provided the Tribunal with a copy of the tenancy agreement and a rent statement in support of the application.
2. By Notice of Acceptance dated 28 July 2021 a legal member of the Tribunal with delegated powers accepted the application and a Case Management Discussion (“CMD”) was assigned.

3. Intimation of the CMD along with a copy of the application and supporting documentation was served on the Respondents by Sheriff Officers on 6 August 2021.
4. The tribunal had before it: Application Form dated 26 June 2021; Private Residential Tenancy Agreement dated 1 October 2019; Rent Statement to 1 June 2021; correspondence between the applicants and the respondent between March and June 2021.

The CMD

5. On 8 September 2021 a hearing was convened by telephone in accordance with the provisions for dealing with business during the COVID-19 pandemic. Present by telephone at the CMD was Mr Alastair Bryce, Solicitor on behalf of the applicants. There was no attendance by or on behalf of the respondents. The Tribunal on being satisfied that the respondents had been given proper notice of the CMD by Sheriff Officers, determined to consider the application in his absence.
6. The tribunal noted the terms of the Tenancy Agreement and confirmed that the lease had commenced on 1 October 2019. The rent was £350 per month.

Reasons for Decision

7. Rule 17 of the Regulations states that the tribunal may do anything at a CMD which it may do at a hearing, including making a decision. The tribunal decided that, on the basis of the information before it, it was in a position to make a decision without further enquiry.
8. The tribunal was satisfied from the evidence provided in the written submissions and by Mr Bryce at the CMD that the parties had entered into a Private Residential Tenancy Agreement at a rent of £350 per month. The tribunal was also satisfied that the respondent had accrued rent arrears of £6400 and the applicants were entitled to an order for payment of that amount.

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.



8 September 2021