



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the Housing (Scotland) Act 2014

Chamber Ref: FTS/HPC/CV/21/2736

Re: Property at 337 Grathellen Court, Merry Street, Motherwell, ML1 4BQ (“the Property”)

Parties:

Mr Colin MacLeod, 89 James Street, Motherwell, ML1 3JP (“the Applicant”)

Mr Garry Dunnery, 337 Grathellen Court, Merry Street, Motherwell, ML1 4BQ (“the Respondent”)

Tribunal Members:

Andrew Upton (Legal Member) and Elizabeth Currie (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Respondent is liable to make payment to the Applicant in the sum of FOUR THOUSAND NINE HUNDRED AND TWENTY FIVE POUNDS (£4,925.00) STERLING

STATEMENT OF REASONS

1. This Application called for its Case Management Discussion by teleconference call on 15 February 2022, together with the related Application EV/21/2733. The Applicant was represented by Mr Gildea, Solicitor Advocate. The Respondent was neither present nor represented at the CMD.
2. In this Application, the Applicant seeks payment of £4,925 which he contends are due in respect of rent arrears. He says that he is the landlord, and the Respondent the tenant, of the Property under and in terms of a Private Residential Tenancy Agreement which began on 28 October 2020. In terms thereof, the contractual monthly rent was £550. The Applicant has produced a rent schedule showing that, during the period 28 December 2020 until 27 November 2021, the Applicant was liable to make payment of rent at a rate of

£550 per month on 11 occasions. During the same period, the Respondent only made four payments to the Applicant's letting agent, being (i) £550 on 5 February 2021, (ii) £175 on 21 June 2021, (iii) £200 on 2 August 2021, and (iv) £200 on 9 August 2021. Accordingly, the Respondent's rent arrears accrued during that period were £4,925.

3. At the CMD, Mr Gildea advised the Tribunal that the Respondent had not made any payments towards the rent arrears. His belief was that the arrears had increased since the Application was raised.
4. In terms of Rule 17(4) of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ("the Rules"), the Tribunal may do anything at a Case Management Discussion that it may do at a Hearing, including make a decision. In terms of Rule 2, the Tribunal must have regard to the overriding objective to deal with proceedings justly when making any decision, including the need to avoid unnecessary delay.
5. The Respondent has received notice of the Application and the CMD. He has chosen not to attend the CMD to dispute the Application. The Tribunal therefore concludes that the allegations within the Application are not in dispute. The Tribunal does not consider that a Hearing is required in such circumstances.
6. Having considered the Application, heard from the Applicant's Representative and taken account of the Respondent's failure to attend the CMD, the Tribunal was satisfied that:-
 - a. The Applicant is the landlord, and the Respondent the tenant, of the Property under and in terms of a Private Residential Tenancy Agreement which began on 28 October 2020.
 - b. In terms thereof, the contractual monthly rent was £550.
 - c. The Respondent has been in rent arrears since 28 December 2020.
 - d. Since that date, the Respondent has only made four payments to the Applicant's letting agent, being (i) £550 on 5 February 2021, (ii) £175 on 21 June 2021, (iii) £200 on 2 August 2021, and (iv) £200 on 9 August 2021.
 - e. The Respondent is in arrears of rent in the total sum of £4,925 in respect of the period 28 December 2020 to 27 November 2021.
7. Accordingly, the Tribunal determined that a payment order should be issued in terms of which the Respondent was ordered to make payment to the Applicant in the sum of £4,925.

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.

Andrew Upton

15 February 2022

Legal Member/Chair

Date