



**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/21/2775**

**Re: Property at 30 Sutherland Drive, Airdrie, ML6 9XA (“the Property”)**

**Parties:**

**Mr Manvir Singh, 9C Old Bothwell Road, Bothwell, Glasgow, G71 8AW (“the Applicant”)**

**Ms Amanda Hunter, Mr Steven Murphy, 30 Sutherland Drive, Airdrie, ML6 9XA (“the Respondents”)**

**Tribunal Members:**

**Gabrielle Miller (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 the Applicant is entitled to an order for payment from the Respondents amounting to £1300 (ONE THOUSAND THREE HUNDRED POUNDS).**

**Background**

1. An application was received by the Housing and Property Chamber signed 9<sup>th</sup> November 2021. The application was submitted under Rule 111 of The First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on the Respondents not maintaining rent payments.
2. The application included:-
  - a. Copy Private Residential Tenancy Agreement with commencement of tenancy being 13<sup>th</sup> November 2019 ;
  - b. Rent statement from 17<sup>th</sup> August 2021 to 13<sup>th</sup> December 2021. This detailed the rent of £650 per month and arrears of £1300;
  - c. Copy email dated 28<sup>th</sup> April 2021 serving Notice to Leave upon the Respondent; and

- d. Home Report dated 27<sup>th</sup> April 2021.
3. The Tribunal also had before it a copy of the title deeds numbered LAN454363.
  4. On 3<sup>rd</sup> December 2021, all parties were written to with the date for the Case Management Discussion ("CMD") of 14<sup>th</sup> January 222 at 2pm by teleconferencing. The letter also requested all written representations be submitted by 24<sup>th</sup> December 2021.
  5. On 3<sup>rd</sup> December 2021, sheriff officers served the letter with notice of the hearing date and documentation upon both the Respondents by letterbox service and first class post. This was evidenced by Certificate of Citation dated 3<sup>rd</sup> December 2021.
  6. On 16<sup>th</sup> December 2021 the Applicant's representative emailed asking the amount be increased to £1300. The email attached an up to date rent account for the period 17<sup>th</sup> August 2021 to 13<sup>th</sup> December 2021.
  7. The case was conjoined with case FTS/HPC/EV/21/2773.

#### The Case Management Discussion

8. A CMD was held on 14<sup>th</sup> January 2022 at 2pm by teleconferencing. The Applicant was represented by Ms Vikki McGuire of Jewel Homes. The Respondents were not present. The Tribunal proceeded in terms of Rule 29 of the Rules.
9. Ms McGuire informed the Tribunal that she had spoken to the First Named Respondent, Mr Steven Murphy, on 23<sup>rd</sup> December 202, he was aware of the hearing date and time. He confirmed that he was living in the Property. There was no offer of payment.
10. Ms McGuire confirmed that there were no outstanding Housing Benefits issues as both Respondents were working. The Property is a three bedroom house which they occupy with their dog. The conjoined eviction case is seeking to remove the Respondents to let the Applicant sell the Property. Ms McGuire noted that the Respondents have not paid their rent since November 2021. The outstanding arrears balance, as at the date of the hearing, is £1950 though she appreciated that she has not given sufficient notice of that and is seeking £1300.
11. The Tribunal was satisfied that the outstanding amount for £1300 was due to the Applicant by the Respondents and that it was appropriate to grant an order accordingly.

### Findings and reason for decision

- 12. A Private Rented Tenancy Agreement commenced 13<sup>th</sup> November 2019.
- 13. The Respondents persistently failed to pay their rent charge of £650 per month. The rent payments are due to be paid on 13<sup>th</sup> day of each month.
- 14. There are now no outstanding Housing Benefit issues.
- 15. There have been no offers of payment.
- 16. The arrears sought total £1300. The arrears have arisen beyond that to £1950.

### Decision

- 17. The Tribunal found that the Applicant was entitled to be granted an order against the Respondents for payment amounting to £1300.

### **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.**

# G Miller

14<sup>th</sup> January 2022

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Legal Member/Chair

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Date