



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 70(1) of the Private Housing Tenancies (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/22/0522

Re: Property at 1B Carbrook Street, Paisley, PA1 2NW (“the Property”)

Parties:

Mr David Lang, 34 Riccarton Avenue, Paisley, PA2 6BG (“the Applicant”)

Mr Connor McSorley, 1B Carbrook Street, Paisley, PA1 2NW (“the Respondent”)

Tribunal Members:

Ruth O’Hare (Legal Member) and Frances Wood (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to make an order for payment in the sum of One thousand six hundred and ninety seven pounds and forty four pence (£1697.44) against the Respondent.

Background

1 By application dated 23rd February 2022 the Applicant sought an order for payment in the sum of £1697.44 against the Respondent. In support of the application the Applicant provided:-

- (i) Private Residential Tenancy Agreement between the parties dated 18 January 2020;
- (ii) Rent Statement; and
- (iii) Copy bank statements.

- 2 By Notice of Acceptance of Application the Legal Member with delegated powers of the Chamber President intimated that there were no grounds on which to reject the application. A Case Management Discussion was therefore assigned for the 5 July 2022 to take place by teleconference. A copy of the application paperwork together with notification of the date and time of the Case Management Discussion and instructions on how to join the teleconference was intimated to the Respondent by Sheriff Officers.

Case Management Discussion

- 3 The Case Management Discussion took place on 5 July 2022. The Applicant was in attendance. The Respondent was not present. The Tribunal noted that the application paperwork had been served upon the Respondent by Sheriff Officers, with details of the date and time of the Case management Discussion and instructions for joining the case conference. Accordingly the Tribunal was satisfied that the notification requirements had been complied with and determined to proceed with the Case Management Discussion in his absence.
- 4 The Applicant confirmed he sought an order in the sum of £1697.44 albeit the arrears had increased since that date. It would be his intention to submit a further application to the Tribunal for the remaining amount. The Respondent had not responded to any attempts at contact and had failed to make any payments since November 2021.

Findings in Fact and Law

- 5 The parties entered into a Private Residential Tenancy Agreement dated 18 January 2020.
- 6 The tenancy between the parties was a private residential tenancy as defined by section 1 of the 2016 Act.
- 7 In terms of Clause 8 of the said Tenancy Agreement the Respondent undertook to make payment of rent at the rate of £260 per calendar month.
- 8 As at 23rd February 2022 the sum of £1,697.44 in outstanding rent is due to the Applicant by the Respondent in terms of Clause 8 of the said Tenancy Agreement.
- 9 Despite repeated requests the Respondent has refused or delayed to make payment of the sum due.

Reasons for Decision

- 10 The Tribunal was satisfied that it could make a determination of the application at the Case Management Discussion and that to do so would not be detrimental to the parties. The Respondent had received proper notification of the application paperwork and had not taken the opportunity to participate in the proceedings.

- 11 Based on its findings in fact, the Tribunal was satisfied that the Respondent was liable to pay the sum of £1697.44. The Tribunal accepted the evidence of the Applicant that the Respondent had a contractual obligation to make payment of rent at the rate of £260 per month based on the terms of the tenancy agreement and the rent statement produced. There was nothing before the Tribunal to contradict the position put forward by the Applicant.
- 12 The Tribunal therefore made an order for payment against the Respondent in the sum of £1697.44. The decision of the Tribunal was unanimous.

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.

R O'Hare

5 July 2022

Legal Member/Chair

Date