



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/22/0826

Re: Property at 75 Kirktonholme Gardens, East Kilbride, G74 1BT (“the Property”)

Parties:

Clyde Valley Property Services, 50 Scott Street, Motherwell, ML1 1PN (“the Applicant”)

Mr Scott Tyson, 17 Villafield Drive, Bishopbriggs, Glasgow, G64 3NW (“the Respondent”)

Tribunal Members:

Ms H Forbes (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment should be granted in favour of the Applicant in the sum of £1087.90.

Background

1. This is an application received in the period between 21st March and 14th April 2022 and made in terms of Rule 70 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, as amended (“the Rules”). The Applicant is the landlord of the Property, and the Respondent was the tenant, in terms of a tenancy agreement that commenced on 4th August 2017 at an agreed rent per month of £480.
2. The Applicant lodged a copy of the tenancy agreement, copy correspondence sent to the Respondent, and a rent statement showing arrears in the sum of £1087.90.
3. Service of the application and notification of a Case Management Discussion was made upon the Respondent by Sheriff Officers on 24th May 2022.

The Case Management Discussion

4. A Case Management Discussion took place by telephone conference on 14th July 2022. Ms Carol Sanderson was in attendance on behalf of the Applicant. The Respondent was not in attendance.
5. The Tribunal considered the terms of Rule 29. The Tribunal determined that the Respondent had been given reasonable notice of the time and date of the Hearing, together with details on joining the telephone conference. The Tribunal determined that the requirements of Rule 17(2) had been satisfied and that it was appropriate to proceed with the application in the absence of the Respondent upon the representations of the Applicant and the material before the Tribunal.
6. Ms Sanderson asked the Tribunal to grant a payment order in respect of the rent arrears. The tenancy ended on 9th January 2019. There has been no contact from the Respondent, despite attempts to engage him by the Applicant and sheriff officers.

Findings in Fact and Law

7.
 - i. Parties entered into a short assured tenancy agreement in respect of the Property that commenced on 4th August 2017 at an agreed rent per month of £480.
 - ii. The tenancy ended on or around 9th January 2019.
 - iii. Rent lawfully due in terms of the tenancy agreement has not been paid by the Respondent.
 - iv. The Applicant is entitled to recover rent lawfully due.

Reasons for Decision

8. The Respondent has failed to make payment of rent lawfully due. The Applicant is entitled to recover rent lawfully due in terms of the tenancy agreement between the parties.

Decision

9. An order for payment is granted in favour of the Applicant in the sum of £1087.90.

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.

H Forbes

14 July 2022

Legal Member/Chair

Date