



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71(1) of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/22/1149

Re: Property at 35 Brankholm Gardens, Hamilton, ML3 9FH (“the Property”)

Parties:

Mrs Lindsay Backer, Mr Allyn Backer, 1 News Terrace, Hamilton, ML3 8UJ (“the Applicants”)

Mr Neil Wright, 35 Brankholm Gardens, Hamilton, ML3 9FH (“the Respondent”)

Tribunal Members:

Graham Harding (Legal 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 to the Applicants in the sum of £3360.00.

Background

1. By application dated 21 April 2022 the Applicants applied to the Tribunal for an order for payment by the Respondent in respect of alleged rent arrears arising from the Respondent’s tenancy of the property. The Applicants submitted bank statements, copy tenancy agreement, correspondence and a rent statement in support of the application.
2. By Notice of acceptance dated 30 June 2022 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 was served on the Respondent by Sheriff Officers on 26 July 2022.

The Case Management Discussion

4. A CMD was held by teleconference on 13 September 2022. The Applicants were represented by Mr Allyn Backer. The Respondent did not attend nor was he represented. The Tribunal being satisfied that proper intimation of the CMD having been given to the Respondent determined to proceed in his absence.
5. Mr Backer confirmed to the Tribunal that the Respondent had entered into a Private Residential Tenancy of the property on 1 November 2020 and had maintained rental payments up until 1 October 2021 but no rent had been paid since that date. Mr Backer said that as at the date of the application on 21 April 2022 the Respondent owed six months rent amounting to £3360. Mr Backer referred the Tribunal to the most recent rent statement that showed the arrears had increased to £6150.00 as at 1 September 2022. The Tribunal noted after some discussion that the Applicants did not wish to amend their application at this stage and Mr Backer asked the Tribunal to grant an order for payment in the sum of £3360.00.

Findings in Fact

6. The parties entered into a Private Residential tenancy that commenced on 1 November 2020 at a rent of £560.00 per calendar month.
7. The Respondent has not paid rent since 1 October 2021.
8. As at the date of the application namely 21 April 2022 the Respondent owed the Applicants six months rent amounting to £3360.00.

Reasons for Decision

9. The Tribunal was satisfied from the written representations, the documents submitted and the oral submissions that the parties entered into a Private Residential Tenancy that commenced on 1 November 2020 at a rent of £560.00 per calendar month. The Tribunal was also satisfied that the Respondent had failed to pay any rent after 1 October 2021 and that as at the date of the application owed the Applicants £3360.00.

Decision

10. The Tribunal having carefully considered the written representations, documents and oral submissions and being satisfied that it had sufficient information before it to allow it to make a decision without the need for a hearing finds the Applicants entitled to an order for payment by the Respondent to the Applicants in the sum of £3360.00.

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.

**Graham Harding
Legal Member/Chair**

**13 September 2022
Date**