



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/22/1421

Re: Property at 3D Craigton Street, Clydebank, G81 5BZ (“the Property”)

Parties:

Mr Thomas Graham, Flat 2 1 Kirkton, Old Kilpatrick, G60 5JL (“the Applicant”)

Mr Yattowita Withanage Panduka Amarasinghe, Ms Menuka Dushanti Mendis, 50 East Barns Street, Clydebank, G81 1DE (“the Respondents”)

Tribunal Members:

Richard Mill (Legal Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that a payment order be granted against the respondents requiring payment to the applicant of the sum of Two Thousand Eight Hundred Pounds (£2,800)

Introduction

This is an application under rule 111 and section 71 of the Private Housing (Tenancies) (Scotland) Act 2016.

Service of the proceedings and intimation of the Case Management Discussion (CMD) was effected upon the respondents by Sheriff Officers on 28 July 2022.

The CMD took place by teleconference at 2.00 pm on 31 August 2022.

The applicant was represented by Mr Kris Brown, Source Property (Scotland) Ltd. The respondents failed to participate in the hearing. There was no known barrier to them doing so.

Findings and reasons

The property is 3D Craigton Street, Clydebank G81 5BZ.

The applicant is Mr Thomas Graham. He is the heritable proprietor of the property and the landlord. The respondents are Mr Yattowita Withanage Panduka Amarasinghe and Ms Menuka Dushanti Mendis who are former the tenants.

The parties entered into a private residential tenancy which commenced on 19 January 2018. The rent was stipulated at £400 per calendar month.

Throughout the duration of the tenancy, the respondents fell into arrears of the contractual rental payments. The arrears commenced in March 2020.

The respondents have been provided with full advice regarding options available to them and offers have been made as regards the entering into of agreements regarding the repayment of the arrears. In July 2021 the respondents offered to enter into a payment plan of £600 per month (£400 for rent and £200 to bring down the arrears). None of the arrears payments were made. In March 2022 the respondents entered into a new payment plan proposing to be £500 per month (£400 for rent and £100 to bring down the arrears) and then after 6 months to pay £600 per month (£400 for rent and £200 to bring down the arrears). The balance at that time was £4,800 in arrears.

A sum of £2,400 was received from West Dunbartonshire Council under the Covid-19 tenant hardship grant fund which reduced the balance by half, to £2,400.

As at the date of application to the tribunal (13 May 2022) the rent arrears balance had increased to £2,800. Subsequent attempts to engage with the respondents have failed. The tenancy was terminated on 30 May 2022 when the respondents vacated the property.

The application is supported by a detailed rent statement disclosing the sums which remain outstanding. The tribunal found this documentary evidence credible and reliable and attached weight to it.

The amount sought in this application is £2,800. The applicant is entitled to recover this rent lawfully due under and in terms of the lease. The respondents refuse or alternatively unreasonably delay in paying the sums due.

The respondents have not opposed the application and no time to pay application has been made by or on behalf of the respondents.

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.

31 August 2022

Legal Member: Richard Mill

Date