



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/22/1449

Re: Property at Flat 10, 23 Thornhill, Johnstone, PA5 8JQ (“the Property”)

Parties:

SGUK Holdings Ltd, 6 La Petite Piece, La Grande Piece, St Peter, Jersey, JE3 7AE (“the Applicant”)

Mr Maurice McBride, Flat 10, 23 Thornhill, Johnstone, PA5 8JQ (“the Respondent”)

Tribunal Members:

Ms H Forbes (Legal Member) and Mr L Forrest (Ordinary 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 £4225.

Background

1. This is an application received in the period between 17th May and 8th June 2022 and made in terms of Rule 111 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 is the tenant, in terms of a private residential tenancy agreement that commenced on 1st November 2020 at an agreed rent per month of £420. The Applicant is seeking an order for payment in the sum of £3485 in respect of rent arrears.
2. The Applicant’s representative lodged a copy of the tenancy agreement, copy correspondence to the Respondent and a rent statement.
3. Service of the application and notification of a Case Management Discussion was made upon the Respondent by Sheriff Officers on 27th July 2022.

4. By email dated 9th August 2022, the Applicant's representative made an application to increase the sum sought to £4225.

The Case Management Discussion

5. A Case Management Discussion took place by telephone conference on 6th September 2022. The Applicant was represented by Mr Robert Nixon. The Respondent was not in attendance.
6. 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 CMD, 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.
7. Mr Nixon outlined the history to the case. It was his understanding that the Respondent had been a taxi driver and his income had been affected as a result of the Covid-19 pandemic, whereupon he fell into rent arrears. The letting agent had worked closely with the Respondent, contacting him regularly by text, email and telephone to discuss payment options. There had been three or four payment plans entered into following discussion with the Respondent, but these had failed. The Respondent had indicated he would vacate the Property yesterday but had not done so.
8. The Tribunal adjourned to consider the case.

Findings in Fact and Law

9.
 - (i) Parties entered into a private residential tenancy agreement in respect of the Property on 1st November 2020 at an agreed rent per month of £420.
 - (ii) Rent lawfully due in terms of the tenancy agreement has not been paid by the Respondent.
 - (iii) The Applicant is entitled to recover rent lawfully due.

Reasons for Decision

10. 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

An order for payment is granted in favour of the Applicant in the sum of £4225.

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.

Helen Forbes

Legal Member/Chair

_____ **6th September 2022**
Date