



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/22/1696

Re: Property at Flat 2/1 Top Flat Left otherwise, 43F Royal Street, Gourock, PA19 1PP (“the Property”)

Parties:

Gourock Property Company Limited, 18 Nicholson Street, Greenock, PA15 1JU (“the Applicant”)

Mr Sean Irvine, Flat 2/1 Top Flat Left otherwise, 43F Royal Street, Gourock, PA19 1PP (“the Respondent”)

Tribunal Members:

Gabrielle Miller (Legal Member) and Gerard Darroch (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant is entitled to an Order for payment for £9390 (NINE THOUSAND THREE HUNDRED AND NINETY POUNDS) plus interest at 4% per annum from the date of this decision.

Background

1. An application was received by the Housing and Property Chamber dated 6th June 2022. The application was submitted under Rule 111 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on the Respondent not maintaining rent payments.
2. On 23rd July 2022 all parties were written to with the date for the Case Management Discussion (“CMD”) of 29th August 2022 at 10am by teleconferencing. The letter also requested all written representations be submitted by 13th August 2021.

3. On 26th July 2022, sheriff officers served the letter with notice of the hearing date and documentation upon Respondent by letterbox service. This was evidenced by Certificate of Intimation dated 26th July 2022.
4. This case is conjoined with FTS/HPC/EV/22/1695.

The Case Management Discussion

5. A CMD was held 29th August 2022 at 10am by teleconferencing. The Applicant was represented by Mr Ken Caldwell, solicitor, Patten & Prentice Solicitors. The Respondent was not present. The Tribunal proceeded in terms of Rule 29 of the Rules. The Respondent did not make representations in advance of the hearing.
6. Mr Caldwell told the Tribunal that the Respondent has not made contact regarding the arrears. Mr Caldwell wrote to the Respondent on 6th October 2021 and 30th May 2022 regarding the eviction case and cited that this was due to rent arrears. The Respondent took no action and has made no offers of payment. The Applicant has also written to the Respondent. There has been no response to these letters either. There are no Housing Benefit or Universal Credit issues known to the Applicant. Mr Caldwell noted that the arrears outstanding have increased to £9740. He has submitted a rent account to refer to this but has not amended the amount sought.
7. The Tribunal was satisfied that the outstanding amount of £9390 was due to the Applicant by the Respondent and that it was appropriate to grant an order accordingly.

Findings and reason for decision

8. A Private Rented Agreement commenced on the 28th January 2020.
9. The Respondent persistently failed to pay his rent charge of £350 per month. The rent payments are due to be paid on the 28th day of each month.
10. There are no known outstanding Housing Benefit or Universal Credit issues.
11. The Respondent has failed to communicate with the Applicant and has not made any offers of payment.
12. The arrears sought total £9390. The current arrears total £9740.

Decision

13. The Tribunal found that the Applicant was entitled to be granted an order for payment amounting to £9390.

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.

Gabrielle Miller

29th August 2022

Legal Member/Chair

Date