



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/22/1955

Re: Property at 116 Silvertonhill Avenue, Hamilton, ML3 7PA (“the Property”)

Parties:

A & G Investments LLP, 8 Eagle Street, Craighall Business Park, Glasgow, G4 9XA (“the Applicant”)

Ms Yvonne Houghton, Unknown, Unknown (“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 £16,024.67.

Background

1. By application received in the period between 21st June 2022 and 11th January 2023 and made under Rule 70 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, as amended (“the Rules”), the Applicant applied for an order for payment in the sum of £16,070 in respect of unpaid rent. The Applicant lodged an assured tenancy agreement between the parties which commenced on 19th July 2013, copy correspondence, bank statements, a rent statement, and an application for Service by Advertisement.
2. Notification of the application and the forthcoming Case Management Discussion upon the Respondent was carried out in an advertisement which appeared on the Service by Advertisement page of the website of the First-tier Tribunal for Scotland Housing and Property Chamber from 2nd March until 5th April 2023.

The Case Management Discussion

3. A Case Management Discussion (“CMD”) took place by telephone conference on 5th April 2023. Neither party was in attendance. The Applicant was represented by Ms Caitlin McKendrick, Tay Letting Ltd.
4. The Tribunal considered the terms of Rule 29. The Tribunal determined that the requirements of Rule 17(2) had been satisfied, and it was appropriate to proceed with the application in the absence of the Respondent.
5. Ms McKendrick moved the Tribunal to grant an order in the sum of £16,024.67. Ms McKendrick said the letting agent was emailed by someone on behalf of the Respondent on 10th June 2022, and the person stated that the tenancy had ended. The outstanding rent was calculated pro-rata to that date.

Findings in Fact and Law

6.
 - (i) Parties entered into an assured tenancy that commenced on 19th July 2013 with rent due in the sum of £680 per month.
 - (ii) The tenancy ended on or around 10th June 2022.
 - (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

7. 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

8. An order for payment is granted in favour of the Applicant in the sum of £16,024.67.

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

Legal Member/Chair

5th April 2023
Date