



**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/22/1971**

**Re: Property at 1/R 37 Nelson Street, Largs, KA30 8LN (“the Property”)**

**Parties:**

**Mr Thomas Murray, 4 Bankhouse Crescent, Largs, KA30 9PH (“the Applicant”)**

**Mr Gary Cassidy, 1/R 37 Nelson Street, Largs (“the Respondent”)**

**Tribunal Members:**

**Graham Harding (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 was entitled to an order for payment by the Respondent to the Applicant in the sum of £4961.95.**

**Background**

1. By application dated 1 June 2022 the Applicant applied to the Tribunal for an order for payment in respect of alleged rent arrears in terms of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”). The Applicant submitted a copy of the tenancy agreement, rent payment schedule, bank statements and email correspondence in support of the application.
2. Following further correspondence between the Applicant and the Tribunal administration, by Notice of Acceptance dated 8 August 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 2 September 2022.

## **The Case Management Discussion**

4. A CMD was held by teleconference on 18 October 2022. The Applicant attended in person. 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. The Tribunal ascertained from the Applicant that the parties had entered into a Private Residential Tenancy that had commenced on 26 February 2021 at a rent of £350.00 per calendar month. The Tribunal noted that the Respondent had fallen into arrears of rent and that at the date of the application the Respondent owed rent of £4961.95. The Tribunal also noted that no further rent had been paid and the current rent due amounted to £5931.18. After some discussion with the Applicant as to whether he wished to amend the sum claimed and continue the application to a further CMD for intimation to the Respondent, the Applicant asked the Tribunal to grant an order for payment in the sum of £4961.95.

## **Findings in Fact**

6. The parties entered into a Private Residential tenancy that commenced on 26 February 2021 at a rent of £350.00 per calendar month.
7. As at 1 August 2022 the Respondent owed rent of £4961.95.
8. No further rent payments have been made by the Respondent to the Applicant since 1 August 2022.

## **Reasons for Decision**

9. The Tribunal was satisfied from the written representations and the Applicants oral submissions that the parties entered into a Private Residential tenancy that commenced on 26 February 2021 at a rent of £350.00 per calendar month. The Tribunal was also satisfied from the information provided that the Respondent had fallen into rent arrears and as at 1 August 2022 owed rent amounting to £4961.95 and that this amount remained outstanding.

## **Decision**

10. The Tribunal having carefully considered the written representations and documents together with the oral submissions and being satisfied it had sufficient information before it to make a decision without the need for a hearing finds the Applicant entitled to an order for payment by the Respondent to the Applicant in the sum of £4961.95.

## **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**

**18 October 2022**  
**Date**