



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/23/0693

Re: Property at 11 Hanlon Gardens, Rumford, FALKIRK, FK2 0US (“the Property”)

Parties:

Mr Craig Brodie, 38 James Smith Avenue, Haddiston, Falkirk, FK2 0US (“the Applicant”)

Mr Grant Radley, Miss Stacey MacKay, Flat 3 15 Stance Place, Larbert, FK5 4FA; 63 Sunnyside Street, Falkirk, FK9 4BJ (“the Respondents”)

Tribunal Members:

Graham Harding (Legal Member)

Decision (in absence of the Respondents)

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 Respondents jointly and severally to the Applicant in the sum of £3900.00

Background

1. By application dated 16 August 2022 the Applicant’s representatives, Atrium Estate and Letting Agents, Falkirk applied to the Tribunal for an order for payment in respect of alleged rent arrears and damage arising from the Respondent’s tenancy of the property. The Applicant’s representatives submitted a copy of the tenancy agreement together with a rent statement text messages and correspondence in support of the application.
2. Following further correspondence between the Applicant’s representatives and the Tribunal administration the sum claimed was confirmed to be £4299.00.

3. Following further correspondence between the Applicant's representatives and the Tribunal administration a legal member of the Tribunal with delegated powers accepted the application and a Case Management Discussion ("CMD") was assigned.
4. Intimation of the CMD was served on the Respondent by Sheriff Officers on 11 and 12 May 2023.
5. By email dated 29 May 2023 the Second Named Respondent Ms Stacey Mackay submitted written representations to the Tribunal.
6. By email dated 13 June 2023 the Applicant's representatives submitted further written representations to the Tribunal.

The Case Management Discussion

7. A CMD was held by teleconference on 14 June 2023. The Applicant was represented by Ms Nicola McAteer. The Respondents did not attend nor were they represented. The Tribunal being satisfied that proper intimation had been given to the Respondents determined to proceed in their absence.
8. The Tribunal noted that the rent arrears amounted to £3900.00 and that this amount had been accepted as due by the Second Named Respondent. The Tribunal noted from the correspondence submitted by the Applicant's representatives that the First Named Respondent also accepted that rent was due. The Tribunal noted that the Second Named Respondent in her written representations had commented on matters unrelated to the application but had disputed that the Respondents were liable for the damage to the floor at the property. After some discussion Ms McAteer advised the Tribunal that she wished to withdraw the Applicant's claim for the damage to the mirror and the floor and was only seeking an order for payment in respect of the rent arrears amounting to £3900.00 and asked the Tribunal to grant an order for payment in that amount.

Findings in Fact

9. The parties entered into a Private Residential Tenancy that commenced on 14 August 2020 at a rent of £1300.00 per calendar month.
10. At the end of the tenancy the Respondents owed rent of £3900.00. and this amount remains outstanding.

Reasons for Decision

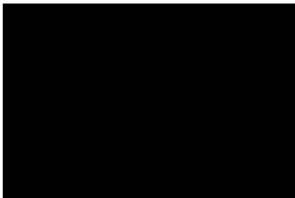
11. The Tribunal was satisfied from the written representations and documents submitted by the Applicant's representatives together with the oral submissions that the Applicant was entitled to an order for payment by the Respondent in the sum of £3900.

Decision

12. The Tribunal finds the Applicant entitled to an order for payment by the Respondents jointly and severally to the Applicant in the sum of £3900.00.

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.



14 June 2023

Legal Member/Chair

Date