



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section Section 71(1) of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/23/2028

Re: Property at 9 Glen Luss Place, Coatbridge, ML5 4HD (“the Property”)

Parties:

Ms Hazel Devine (formerly Fagan), 52 Gavinton Street, Glasgow, G44 3HD (“the Applicant”)

Ms Shannon Hoey, Mr Hugh Joseph McGuire, 78 Comrie Crescent, Hamilton, ML3 9PZ; UNKOWN, UNKNOWN (“the Respondents”)

Tribunal Members:

Alastair Houston (Legal Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment of £1896.37 together with interest at the rate of 8% from the date of this decision until payment be made in favour of the Applicant.

1. Background

1.1 This is an application under Rule 111 of the Chamber Rules whereby the Applicant sought payment of a sum of rent allegedly outstanding. The application was accompanied by copies of the written tenancy agreement between the parties and a rent statement.

1.2 No representations had been received from the Respondents. Service by advertisement had been effected on the second named Respondent.

2. The Case Management Discussion

2.1 The Case Management Discussion took place on 14 September 2023 by way of teleconference. The Applicant was represented by Ms Bannigan of TC Young solicitors. The Respondents were neither present nor represented.

2.2 Ms Bannigan confirmed that the application was insisted upon and that they wished to proceed in the Respondents' absence. The Tribunal noted that intimation of the Case Management Discussion had been made to the first named Respondent by Sheriff Officer and the second named Respondent by advertisement. Accordingly, in the absence of any explanation as to his absence, the Tribunal deemed it appropriate to proceed as permitted by Rule 29 of the Chamber Rules.


2.3 Ms Bannigan confirmed the sum sought in the original application remained outstanding. The tenancy agreement between the parties had been terminated as of 20 December 2022. The sum of £1896.37 remained due.

3. Reasons For Decision

3.1 The tenancy agreement between the parties required the Respondents make payment of rent of £575.00 per month. The rent statement lodged by the Applicant detailed the sums which had gone unpaid. In the absence of any reason as to why the sums sought would not be lawfully due, the Tribunal made an order for payment in favour of the Applicant.

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.



Legal Member/Chair

14 September 2023

Date