



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/21/2811

Re: Property at 97 Colqhoun Street, Stirling, FK7 7PF (“the Property”)

Parties:

Mr Michael Pantony, 3 St Thomass Pl, Stirling, FK7 9LX (“the Applicant”)

Mr Gregor Robertson, 97 Colqhoun Street, Stirling, FK7 7PF (“the Respondent”)

Tribunal Members:

Yvonne McKenna (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 in the sum of £3250 should be granted against the Respondent in favour of the Applicant.

Background

1. This is an application in terms of Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”). The Applicant is seeking an order for payment of the sum of £3250 in terms of s71 of the Private Housing (Tenancies) (Scotland) Act 2016.

2. The Tribunal had before it the following documents:

a) Application dated 11 November 2021.

b) Tenancy agreement with a commencement date of 7 August 2020.
d) Rent Statements for the periods ending 3 December 2021 and 3 February 2022.

3. A CMD was set for 21 January 2022 at 10am.

4. On 15 December 2021 all parties were written to with the date for the CMD.

5. Service was effected on the Respondent by Sheriff Officers on 16 December 2021.

The Case Management Discussion

6. A CMD was held on 21 January 2022 at 10am by teleconferencing. The Applicant was present. The Respondent was not present. The Tribunal proceeded in terms of Rule 29 of the Rules. The Respondents did not make representations in advance of the hearing.

7. The Applicant informed the Tribunal that the Respondent had been renting out the Property from him. Initially the payments of rent were paid with a few "blips" at times. The last payment of rent that he has received from the Respondent was on 5 August 2021 as detailed on the rent statement. He has heard nothing further from him. He has attempted to make contact with the Respondent by telephone and by e-mail and has forwarded to the Respondent all of the necessary paperwork regarding assistance. There has been no response. An eviction application will be made to the Tribunal and this is being dealt with by the Applicant's Letting Agents. There has been no offer of payment.

8. The initial application outlined that the Applicant would be looking for any further sums of rent that become due after the application was lodged with the Tribunal. Due notice of this was therefore contained in the paper served on the Respondent. The Applicant sought to increase the initial sums sought from £1950 to the sum of £3250 which is the current rent due as at today's date. In terms of Rule 14A the Tribunal allowed this amendment to the sums sought. The current balance is £3250 which is the sum sought.

Findings in Fact

9. The parties entered into a Private Residential Tenancy with a commencement date of 7 August 2020.

10. The rent payments due under the lease were £650 per calendar month due in advance each month with the first payment due on 7 August 2020 and thereafter monthly due on the 7th day of each month.

11. The Housing and Property Chamber received an Application dated 11 November 2021.

12. The Respondent has persistently not made rent payments. The amount outstanding has risen to £3250.

13. The Respondent still occupies the Property and the last payment of rent received from him by the Applicant was on 5 August 2021.

14. The Applicant seeks £3250 which is lawfully due to him.

Reasons for Decision

15. The Respondent has failed to make payment of the rent lawfully due in terms of the lease between the parties. The Applicant has lodged a rent statement for the period 7 August 2020 to 3 February 2022 in which payments have been missed amounting to £3250 in rent arrears. The Tribunal was satisfied that there were no other issues of reasonableness before it. The Tribunal decided that the Respondent has persistently not paid the rent and was in arrears. As a consequence the Applicant was entitled to be granted the Order for payment of £3250 against the Respondent.

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.

Y. McK.

Legal Member/Chair

21 January 2021

Date