



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/20/1167

Re: Property at 55 Chandlers Court, Waterfront, Stirling, FK8 1NR (“the Property”)

Parties:

Mr Nigel Fletcher, Ms Gael Mansell, 32 Keir Street, Bridge of Allan, Stirling, FK9 4QJ (“the Applicant”)

Iain Hogg, Unknown, Unknown (“the Respondent”)

Tribunal Members:

Mary-Claire Kelly (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to grant an order for payment in the sum of THREE THOUSAND NINE HUNDRED AND SEVENTY-FIVE POUNDS (£3975.00)

Background

1. By application received on 12th May 2020 the applicant seeks an order for payment of £3975 in respect of outstanding rent arrears.
2. The following documents were lodged with the application:
 - Copy tenancy agreement commencing 15th September 2017
 - Copy tenancy agreement commencing 15th September 2018
 - Rent schedule
 - Copy bank statements
3. A case management discussion (“cmd”) was assigned for 22nd February 2021. The cmd was adjourned for the applicant’s representative to clarify why a second tenancy agreement had been signed given that extensive arrears had built up under the initial agreement and on the basis on which an order for payment was sought.

Case management discussion – 19th April 2021- teleconference

4. The respondent was not present or represented at the cmd. The Tribunal was satisfied that proper notice of the cmd had been given and proceeded in the respondent's absence in terms of rule 29.
5. The applicant was represented by Ms Swira, trainee solicitor, Friends Legal. Ms Swira had lodged a rent account showing that arrears had built up during the first tenancy term and had increased during the second tenancy term.
6. No payments had been made towards the arrears since the present application had been lodged and the outstanding amount was £3975.
7. Ms Swira explained that the tenant had been unwell during the time the arrears had built up. The landlord had some sympathy with the tenant and notwithstanding the arrears entered into a second tenancy agreement after the initial tenancy term had expired. The rent due was the same under both agreements.
8. Ms Swira advised that since the previous cmd a second application had been submitted to the Tribunal seeking to rely on the first tenancy agreement. The Tribunal explained that the second application was unnecessary as both tenancy agreements had been lodged in support of the present application and there was therefore sufficient information to allow a decision to be reached. Ms Swira emailed the Tribunal during a brief adjournment to withdraw the second application.

Findings in fact

9. The applicant and respondent entered in a tenancy agreement commencing 15th September 2017 with a duration of 12 months and monthly rent of £750.
10. The applicant and respondent entered into a further tenancy agreement commencing on 15th September 2019 with a duration of 12 months and monthly rent of £750.
11. As at 19th April 2021 the amount outstanding in respect of unpaid rent arrears was £3795.

Reasons for the decision

12. The Tribunal had regard to the documents lodged in support of the application and Ms Swira's representations at the cmd, which they had no reason to disbelieve.
13. The Tribunal was satisfied that the rent account lodged was accurate and the amount sought was outstanding.
14. The respondent had not lodged any opposition to the application and did not attend the cmd to oppose the application.

Decision

The Tribunal determined to grant an order for payment in the sum of £3975.00.

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.

19th April 2021

Legal Member/Chair

Date