



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under section 16 of the Housing (Scotland)
Act 2016**

Chamber Ref: FTS/HPC/CV/21/0352

Re: Property at 30 Millhall Court, Plains, Airdrie, ML6 7GE (“the Property”)

Parties:

**Mr Douglas Reid t/a MDG Property, Ms Laura MacDonald t/a MDG Property, 74
Tay Street, Perth, PH2 8NP (“the Applicants”)**

**Miss Ashleigh McRoberts, Mr Lee Robertson, 30 Millhall Court, Plains, Airdrie,
ML6 7GE (“the Respondents”)**

Tribunal Members:

Maurice O’Carroll (Legal Member) and Melanie Booth (Ordinary Member)

Decision (in the absence of the Respondents)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that an Order for payment should be made in the sum of
£3,395.**

Background

1. A Hearing was held by telephone conference commencing at 10am on 20 April 2021. Reference is made to the background, hearing discussion, findings in fact, decision and discussion under application reference FTS/HPC/EV/21/0145 which are not repeated in the present decision.
2. The application for civil recovery under the current reference was made on the same date as the application for recovery of possession noted above. The Tribunal considered the application for civil recovery after it had made a determination in the related application for recovery of possession of the Property. The same parties were present at the CMD as for the eviction proceedings.

The CMD

3. The application for civil recovery of rent arrears was lodged on or about 17 February 2021.
4. The application sought payment of £3,795. The rent arrears required to be vouched.
5. The Tribunal was provided with (non-cumulative) rent arrears schedule which ran from the start of the tenancy in April 2019 to February 2021. When the Tribunal added up all of the listed shortfalls in rent payment, it arrived at the total sum of £3,395.
6. From the date of the application until the date of the CMD, no application to amend the amount claimed had been made in terms of rule 14A of the 2017 Tribunal rules.
7. The Tribunal went through the rent statement with Mr Tomney. It appeared that there was a discrepancy with regard to rent arrears in August 2020. Whereas Mr Tomney was informed that rent had not been paid that month by the Respondents, the evidence provided to the Tribunal indicated that there had been no rent arrears in respect of that month.
8. Accordingly, the Tribunal made a determination based upon the figures provided to it in evidence submitted to it along with the application.

Findings in fact

9. The Respondents made successive shortfalls in payment of rent commencing in September 2019 which totalled £3,395 by the time of the application according to the vouching submitted to the Tribunal.

Decision

10. Therefore, the Tribunal determined to grant an Order for Payment in the sum of £3,395 by the Respondents to 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

M O'Carróil

20 April 2021

Legal Member/Chair

Date