



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 70 of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/21/2106

Re: Property at 2 MENTEITH COURT, MOTHERWELL, ML1 1RD (“the Property”)

Parties:

Yazoo Properties Limited, 2 Jones Wynd, Motherwell, ML1 5NJ (“the Applicant”)

Miss Emma Dollochin, 2 MENTEITH COURT, MOTHERWELL, ML1 1RD (“the Respondent”)

Tribunal Members:

Ruth O’Hare (Legal Member) and Mary Lyden (Ordinary Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to make an order in the sum of Two thousand eight hundred and ninety nine pounds and sixty pence (£2899.60) against the Respondent

Background

1 By application to the Tribunal the Applicant sought an eviction order against the Respondents in respect of the property under section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”). In support of the application the Applicant provided the following documentation:-

- (i) Tenancy Agreement between the Applicant and the Respondent dated 16 May 2019;
- (ii) Tenancy Agreement between the Applicant, the Respondent and Scott Taylor dated 16 May 2020;
- (iii) Rent Statement; and

(iv) Copy correspondence from the Applicant to the Respondents.

2 By Notice of Acceptance of Application the Legal Member with delegated powers of the Chamber President intimated that there were no grounds on which to reject the application. A Case Management Discussion was therefore assigned for the 29 October 2021, to take place by teleconference due to the restrictions imposed by the Covid-19 pandemic. A copy of the application paperwork together with notification of the date and time of the Case Management Discussion and instructions on how to join the teleconference was intimated to the Respondents by Sheriff Officers.

Case Management Discussion

3 The Case Management Discussion took place by teleconference on 29 October 2021. Mr John Calderwood was present on behalf of the Applicant and accompanied by his representative Mr Alistair Buttery, Solicitor. Neither Respondent was present.

4 Mr Buttery addressed the Tribunal on the order sought. He advised that the Respondents had failed to make payments of rent and had failed to engage with the Applicant despite attempts at contact. The arrears now stood at £6049.20, with no payments having been made since the application was lodged.

Findings in Fact and Law

5 The Applicant entered into a tenancy agreement with the Respondent as sole tenant which commenced on 16 May 2019.

6 In terms of the said Tenancy Agreement the Respondent undertook to make payment at the rate of £500 per month.

7 As at 16 May 2020, arrears in the sum of £750 were outstanding.

8 The tenancy renewed by tacit relocation until 16 May 2020, at which point the Applicant entered into a tenancy agreement with the Respondent and Scott Taylor.

9 In terms of the said Tenancy Agreement dated 16 May 2020 the Respondent and Scott Taylor undertook to make payment of rent at the rate of £500 per month.

10 As at 24 August 2021 arrears in the sum of £4,299.20 were outstanding.

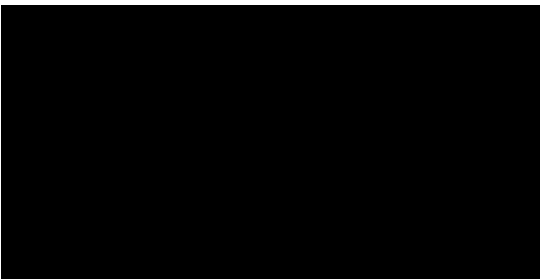
- 11 Despite repeated requests the Respondent has refused or delayed to make payment of the rent due.

Reasons for Decision

- 12 The Tribunal was satisfied at the Case Management Discussion that it had sufficient information upon which to make a decision and that to do so would not be prejudicial to the interests of the parties. The Respondents had been given the opportunity to take part in the proceedings but had chosen not to do so. On that basis the Tribunal did not consider there to be any requirement to fix a hearing in the matter as there were no facts in dispute.
- 13 The Tribunal was therefore satisfied that the Respondent was due to make payment of the sum of £750 in respect of her sole tenancy with the Applicant, along with the sum of £2,149.60 being one half share of the arrears that had accrued in respect of her joint tenancy with Mr Taylor. There was nothing before the Tribunal to contradict the evidence put forward by the Applicant.
- 14 The Tribunal therefore determined to make an order for payment against the Respondent in the sum of £2899.60. The decision of the Tribunal was unanimous.

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.



29 October 2021

Legal Member/Chair

Date