



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/22/2031

Re: Property at 115 Hill Street, Hamilton, ML3 9LJ (“the Property”)

Parties:

Mr Naeem Ahmed, Mr Shakil Ahmed, 23 Townhead Street, Hamilton, ML3 7BQ; 23 Townhead Street, Hamilton, ML3 7BQ (“the Applicants”)

Mr Ionut-Cristian Caldararu, Mrs Kayleigh McGuire, 115 Hill Street, Hamilton, ML3 9LJ; 115 Hill Street, Hamilton, ML3 9LJ (“the Respondents”)

Tribunal Members:

Nairn Young (Legal Member) and Gerard Darroch (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that

- Background

This is an application for an order for payment of rent arrears alleged to be owed to the Applicants by the Respondents in terms of their private residential tenancy of the Property. It called for case management discussion (‘CMD’) at 10am on 6 March 2023, by teleconference. The second-named Applicant called in in person and spoke on behalf of the Applicants. The Respondents did not call in and were not represented. The commencement of the CMD was delayed by 10 minutes to allow for any technical issue they may have been experiencing, but there remained no contact from them.

The case previously called for a CMD on 29 November 2022, at which there was no appearance by either Respondent. Notice of this CMD was sent to the Respondents by recorded delivery on 24 January 2023. The Tribunal therefore considered that the Respondents had chosen not to oppose the application and that it was fair to proceed in their absence.

- Reasons for Decision

The application is unopposed and proceeds on the following basis:

1. The Respondents let the Property from the Applicants in terms of a private residential tenancy with a start date of 14 March 2019.
2. This application seeks an order for payment of arrears of rent owed in terms of that tenancy agreement of £2,346.36.
3. As of the date of CMD, the Respondents are in arrears of rent to a total of £2,419.77.

- Decision

Order made for payment by the Respondents to the Applicants of the sum of TWO THOUSAND, THREE HUNDRED AND FORTY-SIX POUNDS AND THIRTY-SIX PENCE STERLING (£2,346.36).

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.

Nairn Young

6 March 2023

Legal Member/Chair

Date