



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 70(1) of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/23/0715

Re: Property at Craigadam Cottage, Castle Douglas, DG7 3HU (“the Property”)

Parties:

Craigadam Farm Ltd, Craigadam Farm Ltd, Craigadam, Castle Douglas, DG7 3HU (“the Applicant”)

Ms Hannah Nysted, Mr Joseph McCallom, 4 Windermere Avenue, Annan, DG12 6FG (“the Respondent”)

Tribunal Members:

Ruth O'Hare (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to make a payment order in the sum of One thousand four hundred and sixty six pounds and twelve pence (£1466.12) Sterling

Background

- 1 By application to the Tribunal the Applicant sought an order for payment against the Respondents in respect of outstanding rent arrears. In support of the application the Applicant provided a copy of the Tenancy Agreement between the parties and a rent statement.
- 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 assigned for the 5th July 2023. 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 6th July 2023. The Applicant was represented by Mrs Celia Pickup. Neither Respondent was present. The Tribunal noted that they had been served with the application paperwork which included notification of the date and time of the Case Management Discussion and therefore determined to proceed in their absence.
- 4 Mrs Pickup addressed the Tribunal. She advised that the Respondents had rented the property in December 2019. The rent was £525 per month. They had slowly fallen into arrears. They had offered payments to clear the debt however these were sporadic and agreements were not maintained. Mrs Pickup confirmed that on one occasion the Respondents had called out a plumber due to a leak and the Applicant had ended up paying the bill. After the Respondents left the property the Applicant had endeavoured to resolve the situation by offering to enter into a further payment arrangement however the Respondents had failed to engage. The Applicant therefore sought an order in the sum of £1466.12.

Findings in Fact and Law

- 5 The Applicant entered into a Short Assured Tenancy Agreement with the Respondents dated 5th and 26th November 2019.
- 6 In terms of the said Tenancy Agreement the Respondents undertook to make payment of rent in the sum of £525 per month.
- 7 As at 1st April 2022 arrears in the sum of £1466.12 were outstanding. Despite repeated requests the Respondents have refused or delayed in making payment.
- 8 The Respondents are therefore liable to pay the sum of £1466.12 to the Applicant.

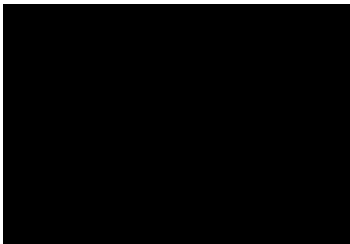
Reasons for Decision

- 9 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 Tribunal did not consider there to be any requirement to fix a hearing in the matter as there were no issues to be resolved. The Respondents had been given the opportunity to make written representations, and to attend the Case Management Discussion, but had chosen not to do so.

- 10 The Tribunal was satisfied based on its findings in fact that the Respondents were liable under the terms of the tenancy agreement to pay the sum of £1466.12 to the Applicant. There was nothing before the Tribunal to contradict the position put forward by the Applicant. The Tribunal duly made a payment order in those terms.
- 11 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.



5 July 2023

Legal Member/Chair

Date