



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) in terms of Rule 17 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”) In respect of an application under Section 71(1) of the Private Housing (Tenancies) (Scotland) Act 2016 (“the Act”) and Rule 111 of the Rules

Chamber Ref: FTS/HPC/CV/22/1374

Re: Property at 42E Sunnyside Road, Coatbridge, ML5 3DG (“the Property”)

Parties:

Mr Brian McMullen and Mrs Dawn McMullen, C/O 26 Cadzow Street, Hamilton, ML3 6DG (“the Applicants”) per their agents Excel Letting Ltd., C/O 26 Cadzow Street, Hamilton, ML3 6DG (“the Applicants’ Agents”)

Mr Lee Letham, 12 Colonsay Crescent, Coatbridge, ML5 5NL (“the Respondent”)

Tribunal Members:

Karen Moore (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an Order for payment in the sum of TWO THOUSAND NINE HUNDRED POUNDS (£2,900.00) Sterling be granted.

Background

1. By application received between 10 May 2022 and 6 July 2022 (“the Application”), the Applicants’ Agents applied to the Tribunal for an Order for payment of rent arrears of £2,000.00 arising from a tenancy between the Parties. The Application comprised a statement of rent due and owing to May 2022. The Application was accepted by the Tribunal and a Case Management Discussion (the “CMD”) was fixed for 17 October 2022 at 11.30 by telephone conference. The CMD was intimated to the Parties and, in particular, was served on the Respondent by sheriff officers on 31 August 2022.
2. Prior to the CMD, the Applicants’ Agents amended the sum sought to £2,900.00 to 8 August 2022, being the date on which the Respondent vacated the Property.

CMD

3. The CMD took place on 17 October 2022 at 11.30 by telephone. The Applicants did not take part and were represented by Ms. Joanne Smith of the Applicants’ Agents.

The Respondent did not take part and was not represented. He did not submit any written representations.

4. Ms. Smith confirmed the sum sought remained as £2,900.00.

Findings in Fact

5. From the Application and the CMD, the Tribunal made the following findings in fact: -
 - i) There had been a tenancy of the Property between the Parties at a monthly rent of £450.00.
 - ii) Rent amounting to £2,900.00 to 8 August 2022 is outstanding and due and owing by the Respondent to the Applicants.

Decision

6. Having made those findings, the Tribunal had regard to Rule 17(4) of the Rules which states that the Tribunal “may do anything at a case management discussionincluding making a decision” and so proceeded to make an order for payment in the sum of £2,900.00.

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.

Karen Moore

Legal Member/Chair

17 October 2022
Date