



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71(1) of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/22/1663

Re: Property at 22A King Street, Coatbridge, ML5 1JE (“the Property”)

Parties:

Mr George Sinclair Watt, 40 Carlton Place, Glasgow, G5 9TS (“the Applicant”)

Mr David John Dawson, 22A King Street, Coatbridge, ML5 1JE (“the Respondent”)

Tribunal Members:

Graham Harding (Legal Member) and Eileen Shand (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant was entitled to an order for payment by the Respondent to the Applicant in the sum of £4250.00.

Background

1. By application dated 26 May 2022 the Applicant’s representatives Happy Lets Ltd, Hamilton, applied to the Tribunal for an order for payment in respect of alleged rent arrears arising from the Respondent’s tenancy of the property. The Applicant’s representatives submitted a copy of the tenancy agreement together with a rent schedule and copy correspondence in support of the application.
2. By Notice of Acceptance dated 21 June 2022 a legal member of the Tribunal with delegated powers accepted the application and a Case Management Discussion (“CMD”) was assigned.
3. Intimation of the CMD was served on the Respondent by Sheriff Officers on 29 July 2022.

The Case Management Discussion

4. A CMD was held by teleconference on 13 September 2022. The Applicant did not attend but was represented by Mrs Lesley Barclay from the Applicant's representatives. The Respondent did not attend nor was he represented. The Tribunal being satisfied that proper intimation of the CMD having been given to the Respondent determined to proceed in his absence.
5. Mrs Barclay explained that the tenancy had commenced on 26 September 2020 at a rent of £425.00 per calendar month. She said the Respondent had fallen into arrears in August 2021 and no rent had been paid since. She explained that as the Respondent had been in receipt of Universal Credit attempts had been made to have rent paid direct but that the Respondent had not agreed to this. She said that the current amount of rent now due by the Respondent amounted to £5525.00 but that she had been instructed by the Applicant not to seek to increase the sum claimed but to ask the Tribunal for an order for payment in respect of the amount due at the date of the application namely £4250.00.

Findings in Fact

6. The parties entered into a Private Residential Tenancy Agreement that commenced on 26 September 2020 at a rent of £425.00 per calendar month.
7. The Respondent has not paid any rent since 29 July 2021.
8. The rent due as at the date of this application, 26 May 2022, amounted to £4250.00.

Reasons for Decision

9. The Tribunal was satisfied from the written representations, the documents produced and the oral submissions by Mrs Barclay that the parties entered into a Private Residential tenancy that commenced on 26 September 2020 at a rent of £425.00 per calendar month. The Tribunal was also satisfied that the Respondent has not paid any rent since 29 July 2021 resulting in a balance outstanding as at the date of application namely 26 May 2022 in the sum of £4250.00. The Respondent has been given the opportunity to make representations to the Tribunal but has chosen not to do so. The Tribunal is therefore satisfied that the Applicant is entitled to an order for payment in the sum of £4250.00.

Decision

10. The Tribunal having carefully considered the information before it and being satisfied that it had sufficient information to allow it to make a decision without the need for a hearing finds the Applicant entitled to an order for payment by the Respondent to the Applicant in the sum of £4250.00.
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.

**Graham Harding
Legal Member/Chair**

**13 September 2022
Date**