



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the Housing (Scotland) Act 2014

Chamber Ref: FTS/HPC/CV/22/0490

Re: Property at 5B Joanna Terrace, Blantyre, G72 0YJ (“the Property”)

Parties:

Mr Ali Najafian and Mr Gholam Reza Najafian, C/O Tay Letting Ltd, 8 Eagle Street, Craighall Business Park, Glasgow, G4 9XA; C/O Tay Letting, 8 Eagle Street, Craighall Business Park, Glasgow, G4 9XA (“the Applicants”)

Mr Alan Hunter, 5B Joanna Terrace, Blantyre, G72 0YJ (“the Respondent”)

Tribunal Members:

Gillian Buchanan (Legal Member)

Decision (in absence of the Respondent)

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

At the Case Management Discussion (“CMD”) on 15 June 2022 which took place by telephone conference the Applicants were represented by Ms Caitlin McKendrick of Tay Letting Limited. Neither the Applicants nor the Respondent were in attendance.

The tribunal was satisfied that the requirements of Rule 24(1) of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”) had been satisfied relative to the Respondent having received notice of the CMD and determined to proceed in the absence of the Respondent in terms of Rule 29.

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

The Applicants leased to the Respondent the Property in terms of a Private Residential Tenancy Agreement (“the PRT”) signed on 4 May 2018.

The PRT commenced on 4 May 2018 and the rent payable in terms thereof is £375 per calendar month payable monthly in advance.

In terms of the application, the Applicants sought an order for payment by the Respondent of £7,290 being rent arrears of £6750 due as at the date of the application, 21 February 2022 plus an additional sum of £540 by way of "representation expenses".

The CMD

At the CMD the Applicant's representative made the following representations:-

- That the Respondent is believed to be still living in the Property;
- That a Notice to Leave has been served on the Respondent which will expire on 18 August 2022;
- That the current arrears balance is £8250;
- No payments have been made by the Respondent since the application was raised;
- That the PRT was put in place by other agents on behalf of the Applicants and information on the Respondent's circumstances is minimal;
- That multiple letters, calls and emails have been sent to the Respondent. He has not responded.
- That an application has been made for direct payments of Universal Credit which will flush out whether the Respondent is in receipt of Universal Credit.
- That in terms of the PRT, Clause 8, the Respondent is liable to the Applicants *"for any further reasonable costs incurred by the Landlord through the Tenant's failure to pay rent on time including, but not limited to, any administrative charges or late fees made by the Landlord's bank, any expenses incurred by the Landlord in pursuing the Tenant for payment of said unpaid rent, legal or otherwise."*
- The Applicant's Representative's fee for pursuing this application on behalf of the Applicants is £450 plus VAT making a total of £540 which the Respondent is contractually liable to pay under Clause 8 of the PRT.

Reasons for Decision

In the absence of the Respondent, the Applicant's submissions were unchallenged and were therefore accepted by the tribunal.

The Respondent is in arrears of rent due in terms of the PRT. The sum due as at the date of the application is £6750.

The Respondent is also contractually liable for the Applicants' reasonable costs in pursuing payment of rent arrears due. The sum of £450 plus VAT claimed by the Applicants in terms of Clause 8 of the PRT is reasonable.

Decision

The tribunal therefore granted an order against the Respondent for payment to the Applicants of £7,290.

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.

G. Buchanan

Legal Member/Chair

15 June 2022
Date