



**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/20/2656

Re: Property at 32 Ashfield, Bishopbriggs, G64 3DR (“the Property”)

Parties:

Mrs Catherine Brown, 4 Croftwood, Bishopbriggs, G64 3DX (“the Applicant”)

**Miss Nicola McMurray, Mr George McMurray, 32 Ashfield, Bishopbriggs, G64
3DR (“the Respondents”)**

Tribunal Member:

Nicola Irvine (Legal Member)

Decision (in absence of the Respondents)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) granted an order for payment against the Respondents in the sum of
£3,800.**

Background

[1] The Applicant submitted an application seeking an order for payment in the sum of £3,150. That sum related to arrears of rent incurred by the Respondents in respect of their occupation at the property. On 11 January 2021, the Applicant increased the claim to £3,800 on the basis that further arrears of rent had accrued. The Tribunal issued a letter to the parties dated 20 January 2021 advising them of the date, time and conference call details of today’s case management discussion. In that letter, the parties were also told that they required to participate in the case management discussion and were informed that the Tribunal could make a decision on the application if the Tribunal has sufficient information and considers the procedure to have been fair. The Respondents were invited to make written representations by 10 February 2021. No written representations were received from the Respondents.

The Case Management Discussion

[2] The Applicant was represented by her husband Mr Alan Brown. The case management discussion took place in the absence of the Respondents. The Applicant's representative advised that there has been no direct contact between the parties to discuss arrears of rent. He advised that housing benefit is now in payment at the rate of £325 per month and the current level of arrears is £4,125. The Applicant's representative moved for an order for payment in the sum of £3,800, which is the sum contained within the amended Application.

Findings in Fact

[3]

1. The parties entered into a Tenancy Agreement dated 21 December 2015.
2. The rent payable was £650 per month.
3. The Respondents have incurred rent arrears amounting to £3,800 as at 11 January 2021.
4. The Applicant is entitled to the Order sought for payment in the sum of £3,800.

Reason for Decision

[4] The Applicant has produced documentation which shows that the Respondents have incurred rent arrears to the extent of £3,800 as at 11 January 2021. The Respondents had an opportunity to make written submissions if they so wished; they also had an opportunity to participate in the case management discussion but failed to do so. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the case management discussion. The Tribunal was satisfied that the Respondents are liable to pay rent arrears and therefore granted the order for payment.

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.

N. I

Legal Member/Chair

23 February 2021
Date