



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

Chamber Ref: FTS/HPC/CV/22/0845

Re: Property at 35 Dale Drive, Motherwell, ML1 4NB (“the Property”)

Parties:

Stoneville Investments Ltd, 62 Main Street, Oakham, Rutland, LE15 9LT (“the Applicant”)

Mr Neil Nisbet, 35 Dale Drive, Motherwell, ML1 4NB (“the Respondent”)

Tribunal Members:

Nicola Irvine (Legal Member)

Decision in the absence of the Respondent

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted an Order for Payment against the Respondent in favour of the Applicant in the sum of £2,600.

Background

1. The Applicant submitted an application under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. The Applicant sought an order for payment in respect of rent arrears said to have been incurred by the Respondent.
2. By decision dated 3 May 2022, a Convenor of HPC having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion.
3. The Notice of Acceptance was intimated to the Applicant’s representative on 6 May 2022. The Tribunal intimated the application to the parties by letter of 21 May 2022 and advised 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 take part in the discussion and were informed that the

Tribunal could make a decision today on the application if the Tribunal has sufficient information and considers the procedure to have been fair. The Respondent was invited to make written representations by 11 June 2022. No written representations were received by the Tribunal.

The case management discussion

4. The Applicant was represented by Ms McCaughey. The case management discussion took place by conference call and proceeded in the absence of the Respondent. The Applicant's representative explained that the Respondent was in employment at the beginning of the tenancy but he is now believed to be unemployed. The Applicant has no information about the Respondent's income. The Respondent has not made any payments towards the rent arrears and the arrears have increased to £4,550. The Applicant's representative sought an order for payment in the sum of £2,600.

Findings in Fact

5. The parties entered into a private residential tenancy which commenced 17 September 2021.
6. The Respondent is obliged to pay rent at the rate of £650 per month, payable in advance.
7. As at 17 March 2022, the rent arrears due by the Respondent amounted to £2,600.
8. As at the date of this case management discussion, the sum due by the Respondent in respect of rent arrears has increased.

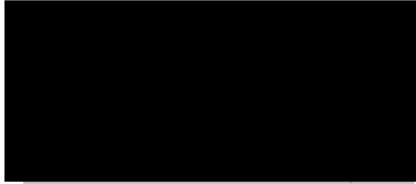
Reason for Decision

9. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the case management discussion. The Respondent failed to submit written representations and failed to participate in the case management discussion. The rent statement lodged demonstrated that there the Respondent has only made 3 payments towards the rent account since the start of the tenancy. There was no material before the Tribunal to indicate that the Respondent disputed the level of rent arrears.

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.



Legal Member/Chair

Date: 11 July 2022