



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/23/1177

Re: Property at 44 Fenwick Drive, Barrhead, G78 2LB (“the Property”)

Parties:

Mr Russel Sneddon, Mrs Angela Sneddon, The Dam House, Gateside Road, Barrhead, G78 1TT (“the Applicants”)

Ms Kaylee Buchanan, 44 Fenwick Drive, Barrhead, G78 2LB (“the Respondent”)

Tribunal Members:

Nicola Irvine (Legal Member)

Decision (in 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 Applicants in the sum of £1,204.77.

Background

1. The Applicants submitted an application under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. The Applicants sought an order for payment in respect of rent arrears said to have been incurred by the Respondent.
2. By decision dated 2 May 2023, a Convenor of the Housing and Property Chamber having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion (“CMD”).
3. The Notice of Acceptance was intimated to the Applicants’ representative on 4 May 2023. The Tribunal intimated the application to the parties by letter of 31 May 2023 and advised them of the date, time and conference call details of today’s CMD. 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 21 June 2023. No written representations were submitted by the Respondent.

The case management discussion

4. The CMD took place by conference call. The Applicants were represented by Ms Rachel Trevithick. The Respondent did not join the conference call and the discussion proceeded in her absence. The Applicants' explained that the Applicants served a rent increase notice on 28 February 2022 and consequently, the rent increased to £530 per month with effect from 3 July 2022. The Applicants' representative has attempted to contact the Respondent but has been unsuccessful in making contact. There have been no proposals from the Respondent to pay the arrears of rent to bring the rent account up to date. The current level of rent arrears is £1,204.77. The Applicants' representative moved for an order for payment in that sum.

Findings in Fact

5. The parties entered into a private residential tenancy which commenced 3 September 2019.
6. The contractual monthly rent was £500, payable in advance.
7. The contractual monthly rent increased to £530 with effect from 3 July 2022.
8. The Respondent has incurred arrears of rent of £1,204.77.

Reason for Decision

9. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the CMD. The Respondent failed to participate in the discussion and did not lodge any written submissions. The rent statement lodged demonstrated that rent arrears have been outstanding for some time. There was nothing to indicate that the Respondent disputed the level of rent arrears shown on the updated rent statement. The Tribunal was satisfied that the sum of £1,204.77 is due to the Applicants.
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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.

Nicola Irvine

Legal Member/Chair

30 June 2023

Date