



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/21/0531

Re: Property at 65 Colston Avenue, Bishopbriggs, Glasgow, G64 1SL (“the Property”)

Parties:

Mr Stuart Maxwell, 34 Emerson Road, Bishopbriggs, Glasgow, G64 1QH (“the Applicant”)

Mr Neil Kennedy, Ms Kirsty Brown, 65 Colston Avenue, Bishopbriggs, Glasgow, G64 1SL (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member)

Decision (in absence of the Respondent)

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

Background

The Applicant seeks a Payment Order in the sum of £1,740.00 in respect of rent arrears said to have been accrued by the Respondents pursuant to their tenancy of the Property.

The Case Management Discussion

The Application called for a Case Management Discussion at 11:30 am on 28 April 2021. The Applicant was represented by Ms Nicola Caldwell, solicitor. There was no

appearance by or on behalf of the Respondents. The Application and information about how to join the conference call had been served on the Respondents each separately by Sheriff Officers on 25 March 2021.

The Tribunal had then on 23 April 2021 received a postponement request from the Respondents referring to Mr Kennedy experiencing toothache and having an emergency dental appointment on the day of Tribunal. The Tribunal had refused that postponement request on the basis that it was vague and lacking in detail. That refusal had been communicated to the Respondents. The Tribunal accordingly decided to proceed in the absence of the Respondents.

Ms Caldwell advised the Tribunal that the Respondents had vacated the Property on 5 April 2021 and accordingly the Applicant was only seeking a Payment Order in the sum of £1,198.13 together with interest. Ms Caldwell had produced a rent statement and a copy of the tenancy itself together with the Application. Having heard from Ms Caldwell and having considered the Application and documentation supplied, the Tribunal made the following findings in fact.

Findings in Fact

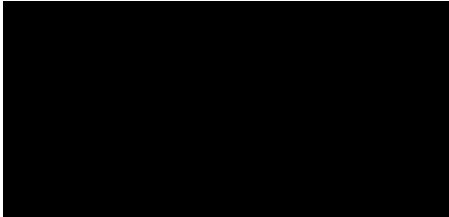
- I. *The parties entered into a tenancy in respect of the Property;*
- II. *The Applicant was the landlord and the Respondents were the tenants;*
- III. *The tenancy commenced on 3 March 2020;*
- IV. *The monthly contractual rent due was £580.00;*
- V. *The Respondents fell into rent arrears;*
- VI. *As at today's date, the sum of £1,198.13 is lawfully due by the Respondents to the Applicant as rent.*

Reasons for Decision

Having made the above findings in fact, the Tribunal granted the Application to the extent of making a Payment Order against the Respondents in the sum of £1,198.13 together with interest on that sum at the rate of 5 per cent from today's date until 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.



28/04/2021

Legal Member/Chair

Date