



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 ('the Act') and Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ('the Rules')

Chamber Ref: FTS/HPC/CV/19/1745

**38 Kirk Street, Coatbridge, North Lanarkshire ML5 1BP
('the Property')**

PARTIES:

Mr Lendrick Gillies, 132 St John's Road, Edinburgh EH12 8AX
('the Applicant')

Represented by Mr Sam Paulo, Coulters Lettings Ltd, 32 North West Circus Place,
Edinburgh EH3 6TP

Mr Martin O'Rourke and Ms Sadie Henderson, 38 Kirk Street, Coatbridge, North
Lanarkshire, ML5 1BP
('the Respondents')

TRIBUNAL:

Joseph C Hughes (Legal Member) [sitting alone]

Eilidh MacMillan (Clerk of Tribunal)

DECISION [In absence of the Respondent]

The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the Tribunal') determined that the Respondents are liable to make payment to the Applicant in the sum of THREE THOUSAND FOUR HUNDRED AND SIXTY FIVE POUNDS (£3465) Sterling

BACKGROUND

1. This is an Application under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ('the Rules'). The Applicant is seeking an Order for Payment of unpaid rent under the tenancy agreement between the parties. The application makes reference to lodging 'various communications noting payment reminders and payment requests'. These do not appear within the papers before the Tribunal. I have noted the remaining productions which related primarily to eviction proceedings.

The Application was accompanied by a copy of the written tenancy agreement with various supporting documents including rent arrears statement. The Applicant is the Landlord of the Property. The Respondents are the named Tenants of the property.

The Legal Member has no conflict of interest in respect of this case.

THE HEARING

2. The Applicant was represented by Mr Sam Paulo, Lettings Director of Coulters Lettings Ltd, Edinburgh acting under a mandate dated 3rd June 2019. He was accompanied by Mr Aaron Panton, Property Manager. Neither Respondent nor any representative attended on their behalf. Mr Paulo indicated that his initial enquiries indicated the Tenants have vacated the property.
3. The Respondents have had notice of the application and the CMD through sheriff officer Certificate of Service on 28th June 2019.
4. The case called today as a Case Management Discussion ('CMD'). The Respondents have submitted no written representations in respect of the case.
5. The Tribunal is satisfied that parties have been notified of the CMD. Parties have been advised that the Tribunal could determine the matter at the CMD if satisfied that it had sufficient information and it was fair to do so.
6. The Tribunal is invited to grant an Order for payment sought in the application. It was the Applicant's position that the Respondents had been their tenants under a Private Residential Tenancy.
7. The Tribunal was invited to consider the following rent arrears totalling £3465. A certified extract from the client ledger for the property was lodged confirming the amount of arrears sought within the application.

FINDINGS IN FACT

8. The Respondents are the tenants of the Applicant under, and in terms of, a Private Residential Tenancy Agreement dated 25th July 2018;
9. The let property was 38 Kirk Street, Coatbridge, North Lanarkshire ML5 1BP;
10. The monthly rent was £495 per calendar month payable in advance;
11. The arrears of unpaid within the application is £3465;
12. The Applicant is entitled to the rent arrears from the Respondent;
13. The sum sought, £3465, is a reasonable estimate of the rent arrears incurred by the Respondents.

DECISION

14. The Application for the claimed rent arrears is granted. In all the circumstances I am not satisfied that there should be any interest added to the principal sum.
15. I find the Respondents responsible to the Applicant for the principal sum sought of £3465.

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.

Joseph Hughes

'Joseph C Hughes'
Legal Member HPC

1st August 2019