



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/23/0902

Re: Property at 24 Merrick Drive, Stonehouse, ML9 3JY (“the Property”)

Parties:

Mr William Gibson, Mrs Sarah Gibson, 38 Glasgow Road, Strathaven, ML10 6LZ (“the Applicants”)

Mr Graeme Robertson, whose present whereabouts are unknown, ML9 3JY (“the Respondent”)

Tribunal Members:

Richard Mill (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted an order against the Respondent for payment to the Applicants the sum of Nine Hundred and Sixty Five Pounds (£965.00)

Introduction

This is an application under rule 111 and section 71 of the Private Housing (Tenancies) (Scotland) Act 2016.

Service of the proceedings and intimation of the Case Management Discussion (‘CMD’) was effected upon the respondent by Service by Advertisement on the Chamber website for the required period.

The CMD took place by teleconference on 16 January 2024 at 2.00 pm. The applicants were represented by Miss Rachel Trevithick of The Property Store EK Ltd. The respondent failed to participate in the hearing.

Findings and Reasons

The property is 24 Merrick Drive, Stonehouse ML9 3JY. The applicants are Mr William Gibson and Mrs Sarah Gibson who are the heritable proprietors and registered landlords. The respondent is Mr Graeme Robertson who is the former tenant.

The parties entered into a private residential tenancy which commenced on 23 December 2019. The rent was stipulated at £500 per month. A deposit was paid in the sum of £550.

Throughout the duration of the tenancy the respondent has fallen into arrears of the contractual rental payments. The tenant vacated the let property on 1 September 2023.

The application is supported by a detailed account statement disclosing the sums of rent and other charges which fell due and the monies received. The tribunal found this documentary evidence credible and reliable and attached weight to it.

The amount sought in this application is £965. Further arrears accrued after the date of application. The deposit paid has been allocated to some of the arrears. More than the £965 initially sought remains outstanding. No amendment application has been made and the sum sought remains at £965.

The applicant is entitled to recover arrears of rent under and in terms of the lease. The respondent has not opposed the application and has made no time to pay application.

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

16 January 2024

Date