



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/24/2441

Re: Property at 36c Friar Street, Perth, PH2 0ED (“the Property”)

Parties:

Ms Fiona McPhail, 13-15 St Leonards Bridge, Perth, PH2 0DR (“the Applicant”)

Mr Stuart Henderson, 36c Friar Street, Perth, PH2 0ED (“the Respondent”)

Tribunal Members:

Nairn Young (Legal Member) and Jane Heppenstall (Ordinary Member)

Decision (in absence of the Respondent)

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

- Background

This is an application for an order for payment of rent arrears alleged to be owed by the Respondent in terms of a private residential tenancy agreement with the Applicant. It called for case management discussion (‘CMD’) at 10am on 29 November 2024, by teleconference. The Applicant was on the call in-person and was represented by Mrs Bernadette O’Connor, of Simple Approach Letting Agents. The Respondent was not on the call or represented. The commencement of the CMD was delayed by 10 minutes in case he was experiencing any technical difficulty; but there remained no contact from him.

The Respondent had entered a written response giving some information regarding his dealings with the letting agents, but not setting out any substantive defence to the

application. This also indicated that he would not intend to attend any hearing. The Tribunal therefore considered that he was aware of the CMD and that it was fair to proceed in his absence.

- Findings in Fact

The Tribunal considered the following unopposed facts as relevant to its decision:

1. The Applicant lets the Property to the Respondent in terms of a private residential tenancy agreement with a start date of 25 June 2021.
2. In terms of the tenancy agreement, rent of £450 was initially due, on the 1st day of each month.
3. The rental charge was increased by notice to £463.50 per month, commencing 1 August 2023.
4. The Respondent paid no rent on 1 January 2024 and has made no payment of rent since.
5. As of 1 May 2024, the Respondent owed £2,317.50 in unpaid rent.

- Reasons for Decision

6. The Respondent owes the Applicant the sum sought in the application and an order for payment of that amount should therefore be granted.

- Decision

Order granted for payment by the Respondent to the Applicant of the sum of TWO THOUSAND, THREE HUNDRED AND SEVENTEEN POUNDS AND FIFTY PENCE STERLING (£2,317.50).

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.

N. Young

29th November 2024

Legal Member/Chair

Date