



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51 (1) of the Private Housing (Tenancies) Scotland) Act 2016**

**Chamber Ref: FTS/HPC/EV/19/0467**

**Re: Property at 37 Hamilton Drive, Airdrie, ML6 6HL (“the Property”)**

**Parties:**

**Mr Darren Collins, 82 Bingley Court, Canterbury, CT1 2SW (“the Applicant”)**

**Mr Lee Robertson, 37 Hamilton Drive, Airdrie, ML6 6HL (“the Respondent”)**

**Tribunal Members:**

**Colin Dunipace (Legal Member)**

**Decision**

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an Order should be made in terms of Section 51 (1) of the Private Housing (Tenancies) Scotland) Act 2016 without the necessity of a formal hearing.

**Background**

- 1. This case related to an Application in terms of section 51 (1) of the Private Housing (Tenancies) Scotland) Act 2016, which Application was lodged with this Tribunal on 11 February 2019. The tenancy was a Private Residential Tenancy in terms of the Private Housing (Tenancies) Scotland) Act 2016 having been entered into on 9 October 2018. The Applicant sought an Order in terms of section 51(1) of the aforementioned Act.**
- 2. The matter called before me as a Case Management Discussion on 5 April 2019. At that time the Applicant was represented by Ms McGuire of**

**Jewel Homes, authority having been provided to her to act by letter of 1 February 2019. The Respondent was neither present nor represented at this Discussion. At this Discussion the Applicant's representative moved for the Order to be granted, stating advising that the parties had entered into a Private Residential Tenancy on 9 October 2018. The monthly rental due in respect of this property was in the sum of £475 per month due on the 9<sup>th</sup> of each succeeding calendar month.**

- 3. The Applicant's representative advised that whilst there had been an initial payment made of £475 paid by the Respondent (in two instalments), that no further payments had been received by the Applicant since on or about 16 October 2018. The Applicant's representative advised that there had been some contact with the Respondent but that no further payments had been made and the respondent had made no proposals in relation to the payment of the outstanding sums due.**

### **Findings in Fact**

- 1. The Applicant and the Respondent entered into a Private Residential Tenancy on 9 October 2018. In terms of this Tenancy Agreement the Respondent was due to pay the sum of £475 per calendar month by way of rent.**
- 2. An initial payment of £375 was made by the Respondent, followed by a further payment of £100 in relation to the first month's rental.**
- 3. No further payments of rent have been received by the Applicant from the Respondent since on or about 16 October 2018, despite requests from the Applicant.**

### **Decision**

**The Respondent having failed to make the payments of rent due in relation to the property in terms of the aforementioned Tenancy Agreement, the Applicant is entitled to the Order as sought.**

## 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.

Colin Dunipace

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**Legal Member**

5/6/19  
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**Date**