



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/18/2720

Re: Property at 71 Abbey Road, Scone, Perth, PH2 6LL (“the Property”)

Parties:

Maybank Properties, 6 Atholl Crescent, Perth, PH1 5JN (“the Applicant”)

Mr Norman Hughes, Mrs Donna Hughes, 71 Abbey Road, Scone, Perth PH2 6LL (“the Respondents”)

Tribunal Members:

Graham Harding (Legal Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant was entitled to an order for payment by the Respondents in the sum of £2400.00.

Background

1. By application dated 5 October 2018 the Applicant applied to the Tribunal for an order for payment by the Respondents in the sum of £2400.00 in respect of alleged arrears of rent due by the Respondents arising from a Private Residential Tenancy Agreement.
2. The Applicant provided the Tribunal with a copy of the Tenancy agreement, copy wage slips, copy letters from the Applicant's agents, a land register search, companies house search and a rental statement in support of the application.
3. By Notice of Acceptance dated 30 November 2018 a legal member with delegated powers accepted the application and referred it to a Case Management Discussion.

4. Intimation of the Case management Discussion was given to the Applicant's representatives Aberdeen Considine, Solicitors, Edinburgh by post on 4 December 2018 and to the Respondents by Sheriff Officers on 27 December 2018.
5. The Applicant's representatives intimated an updated rent statement to the Tribunal in advance of the Case Management Discussion.

Case Management Discussion

6. The Case Management Discussion was held at Inveralmond Business Centre, Auld Bond Road, Perth on 16 January 2019. It was attended by Ms Leona Duff of Aberdeen Considine on behalf of the Applicant There was no appearance by either Respondent nor any explanation for their non-appearance. The Case Management Discussion proceeded in the absence of the Respondents in accordance with Rule 29 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.
7. The Applicant's representative Ms Duff sought to amend the sum claimed from £2400.00 to £4800.00 being the current level of rent arrears no rent having been paid since 4 July 2018. The Tribunal Chairman explained to Ms Duff that as the Rules of Procedure currently stood there was no provision for amending the sum claimed and refused to allow the amendment.
8. Ms Duff confirmed that the Respondents had been contacted by the Applicant's agents demanding payment of the rent but despite this no rent had been paid since July 2018. Rent arrears of £800.00 per month were continuing to accrue. The rent outstanding at the date of the application was £2400.00 and the order sought should be granted. The Respondents had been given notice of the proceedings and were not present and had not challenged the application.

Findings in Fact

9. The parties entered into a Private Residential Tenancy Agreement commencing on 4 May 2018 at a monthly rent of £800.00.
10. The rent due by the Respondents to the Applicant as at 4 October 2018 amounted to £2400.00.

Reason for Decision

11. The Respondents had arrears of rent as at 4 October 2018 of £2400.00. They were due to pay rent of £800.00 per month to the Applicant in terms of a Private Residential Tenancy Agreement between the parties and commencing on 4 May 2018.

12. The Respondents offered no written explanation for non-payment and did not attend the Case Management Discussion therefore in all the circumstances it was reasonable to grant the order for payment in the sum of £2400.00.

Decision

13. The Applicant is entitled to an order for payment by the Respondents in the sum of £2400.00.

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.

Graham Harding

Legal member/Chair

16 January 2019
Date