



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 and Rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the rules”).

Chamber Ref: FTS/HPC/CV/19/3586

Re: Property at 6 South Bridge Street, Airdrie, ML6 6JF (“the Property”)

Parties:

Mr Naeem Ahmed, Mr Zubair Ahmed, 16 Haddow Street, Hamilton, ML3 7HX; 23 Townhead Street, Hamilton, ML3 7BQ (“the Applicant”)

Mr Killian McShane, Tulluskerry, Monagor, Castleblaney, County Monaghan, Ireland (“the Respondent”)

Tribunal Member:

Martin McAllister (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Respondent should pay the sum of One Thousand Three Hundred and Twenty Two Pounds Fifty Eight Pence (£1,322.58) to the Applicant.

Findings in Fact

- 1. The Respondent was a tenant of the Property which is owned by the Applicant.**
- 2. The parties entered into a short assured tenancy on 20th October 2016.**
- 3. The tenancy is at an end.**
- 4. In terms of the tenancy agreement rent of £500 per month was to be paid.**

5. The rent arrears due at 20th December 2017 were £322.58. The sum remains outstanding.

Background

This is an application for payment by the Applicant. It is in respect of rent arrears of £1,322.58 and the sum of £716.00 in respect of the cost of changing the lock on the Property and carrying out repairs.

The parties entered into a short assured tenancy and the agreement is dated 20th October 2016. The tenancy is at an end.

Documents before Tribunal:

- Application form
- Copy tenancy agreement
- Copy rent statement
- Copy invoice from Bardykes Builders dated 12th August 2017
- Affidavit of Personal Service on the Respondent dated 24th January 2020

Case Management Discussion:

There was no appearance from the Respondent. The Applicant was represented by Mr Dominic Coyle, Solicitor. The purpose of a case management discussion was explained.

It was noted that service was effected on the Respondent in the Republic of Ireland and Mr Coyle said that his understanding was that the Respondent does not live permanently in Ireland but worked all over Ireland and the United Kingdom and was currently employed on a site in Ireland. He submitted that the Tribunal had jurisdiction by virtue of the Property being in Scotland and the contract being effected in this country.

Mr Coyle was referred to the terms of the invoice from Bardykes Builders and he accepted that the information on it was sparse. He indicated that, rather than the whole matter being adjourned to a Hearing, he would be prepared to restrict the claim to arrears of rent alone if it meant that the application could be determined today.

Reasons for Decision

The Tribunal was satisfied that service had been effected on the Respondent and it accepted the content of the rent statement lodged with the application. It

considered that there was no reason to defer determination of the application to a Hearing and that, in accordance with Rule 17(4) of the Rules, a decision could be made

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.

M. McAllister

**Martin J. McAllister
Legal Member/Chair**

17th February 2020