



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section of the 71 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”) and rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”)

Chamber Ref: FTS/HPC/CV/19/3884

Re: Property at 9 Lauder Gardens, Coatbridge, ML5 4UA (“the Property”)

Parties:

Brady Lettings, 17 Sandpiper Crescent, Coatbridge, ML5 4UW (“the Applicant”)

Mr Frazer McKay, 8 Hillcrest Avenue, Coatbridge, ML4 3NU (“the Respondent”)

Tribunal Members:

Graham Dunlop (Legal Member)

Decision (in the absence of the Respondent)

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 Respondent in the sum of £2,129 (TWO THOUSAND ONE HUNDRED AND TWENTY NINE POUNDS STERLING)

Background

- 1. By application dated 3rd December 2019 the Applicant applied to the Tribunal for an order for payment by the Respondent in respect of the alleged rent arrears arising from the Respondent’s tenancy of the Property.**
- 2. The Applicant has provided the Tribunal with a copy of the signed Private Residential Tenancy Agreement (“the Tenancy Agreement”) commencing on 3rd May 2018. Clause 7 of the Tenancy Agreement provides that the Respondent obliges himself to meet the monthly rental of £495.**

3. The Applicant has provided the Tribunal with a rental statement showing arrears of £2,129 as at 1st October 2019. The Respondent has vacated the Property. The Application indicates that the Respondent was in the process of vacating the Property during December 2019.

Case Management Discussion (“CMD”)

4. A CMD was fixed to be heard at 14.00 Hours on 27th February 2020. The Respondent was advised of the CMD by Sheriff Officer’s service on 28th January 2020.
5. Karen Brady of Brady Lettings appeared for the Applicant. The Respondent did not attend or arrange representation.
6. Ms Brady indicated that she was seeking £2,129 of rent arrears and confirmed that the Respondent had vacated the property. Ms Brady confirmed that the Tenancy Agreement which was before the Tribunal had been signed by the Respondent albeit after taking entry, due to a signing error.

Findings in Fact

7. That the parties entered into the Tenancy Agreement that commenced on 3rd May 2018 at a monthly rent of £495.
8. That the accrued rent arrears amounted to £2,129 by 1st October 2020

Reasons for Decision

9. The Tribunal was satisfied, after hearing Ms Brady, and consideration of the documents produced that the parties had agreed to enter into the Tenancy Agreement at a monthly rent of £495. The Tribunal was satisfied that the rent had not been fully paid and that the sum of £2,129 had accrued by 1st October 2019.

Decision

10. The Tribunal finds the applicant entitled to an order for payment by the Respondent in the sum of £2,129.

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 Dunlop

Legal Member/Chair

27 February 2020

Date