

Housing and Property Chamber
First-tier Tribunal for Scotland



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 arising from Section 1 of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/19/0848

Re: Property at 1A 37 Union Street, Larkhall, ML9 1DZ (“the Property”)

Parties:

Mr Gordon Richmond, 17 Braidholm Road, Giffnock, Glasgow, G46 6HJ (“the Applicant”)

Mr Christopher Anthony Tansey, 1A 37 Union Street, Larkhall, ML9 1DZ (“the Respondent”)

Tribunal Members:

Susan Christie (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that a payment order is granted.

Background

- 1 The Application under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”) was made by the Applicants Representative, received by the Tribunal on 13 March 2019.
- 2 A Notice of Acceptance of Application made under Rule 9 of the Rules is dated 21 March 2019.
- 3 The Application seeks a payment order for unpaid rent due under a Private Residential Tenancy.
- 4 A Case Management Discussion (CMD) was scheduled for 8 May 2019 at 2p.m. within Glasgow Tribunals Centre, Room 109, 20 York Street, Glasgow, G2 8GT. The Parties were written to by letter dated 13 April 2019.
- 3 Intimation on the Respondent was made by Sheriff Officer, mode of service by letterbox, on 16 April 2019.

- 4 Written responses were due to be submitted by the Respondent by 1 May 2019. None were lodged.

The Case Management Discussion

6. A Case Management Discussion (CMD) took place on 8 May 2019 at 2p.m. within Glasgow Tribunals Centre, Room 109, 20 York Street, Glasgow, G2 8GT when the Applicant's Representative, Ms Kirsty Morrison, was in attendance.
- 3 The Respondent was not in attendance. I was satisfied that proper intimation of all relevant documentation had been made on the Respondent and that he was told that he should attend the CMD. I proceeded with the CMD in his absence, the procedure having been fair.
- 4 The paperwork submitted along with the Application was examined and discussed.
- 5 The Applicant is one of the registered owners of the Property who jointly trade as the firm of H & R. A mandate was produced at the outset giving the Applicant authority to act for both in respect of this Application.
- 6 A Private Residential Tenancy (PRT) was entered into between the Applicant as the Landlord and the Respondent on 25 March 2018. The start date is 24 May 2018.
- 7 The rent is £395 per calendar month payable in advance from 25 May 2018.
- 8 Ms Morrison stated that as at the lodging of the Application the rent arrears were £1975. Today they stood at £2765 including the rent due as at 24 April 2019. The last rent paid was on 17 October 2018 of £385. Nothing had been paid since. The information she had been given by those instructing her were that the Respondent was employed as a driver throughout the tenancy. All attempts at contact with the Respondent to resolve the arrears had been ignored. No notification had been made of any change in the Respondent's employment status and there was no reason to believe he had applied for any benefits. She sought a payment order for £1975 in this Application.

Findings in Fact

- I. A Private Residential Tenancy (PRT) was entered into between the Parties on 25 March 2018 with a start date of 24 May 2018.
- II. The rent is £395 per calendar month payable in advance from 25 May 2018.
- III. As at the lodging of the Application the rent arrears were £1975. Today they stood at £2765 including the rent due as at 24 April 2019.
- IV. The last rent paid was on 17 October 2018 of £385. Nothing had been paid since.
- V. The Respondent being in arrears of rent, a payment order is granted for £1975

Reasons for Decision & Decision

A Private Residential Tenancy (PRT) was entered into between the Parties on 25 March 2018 with a start date of 24 May 2018.

The rent is £395 p.c.m. payable in advance from 25 May 2018.
As at the lodging of the Application the rent arrears were £1975. Today they stood at £2765 including the rent due as at 24 April 2019.
The last rent paid was on 17 October 2018 of £385. Nothing had been paid since.
The Respondent being in arrears of rent, a payment order is granted for £1975.

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.

S Christie

Legal Member

8 May 2019

Date