



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

Chamber Ref: FTS/HPC/CV/21/0034

Re: Property at 53 Whitelees Road, Cumbernauld, G67 3JS (“the Property”)

Parties:

Mr John Wheeley, 7 Lower Drive, Dawlish, Devon, EX7 0AT (“the Applicant”)

Mr Kieran Armiger, 2 Drake Gardens, Swaffham, PE37 8GN; and Ms Amanda Wallace whose address is unknown (“the Respondents”).

Tribunal Members:

Graham Dunlop (Legal Member)

Decision in the absence of the Respondents

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the respondents are jointly and severally liable to pay the applicant in the sum of £5,054.28 (FIVE THOUSAND AND FIFTY FOUR POUNDS TWENTY EIGHT PENCE) sterling with interest thereon at the rate of 8% per annum from the date of this decision

Background

1. The respondents are the former tenants of the property. The CMD on 25th May 2021 was continued from 8th April 2021 to enable the first respondent (Mr Armiger) to take legal advice on joint liability for the sums being sought.
2. The first respondent indicated at the previous CMD that he moved out of the property in May 2020. The first respondent relied on the second respondent (Ms Wallace) to change the tenancy. This did not occur.
3. The Tribunal were provided with the tenancy dated 14th September 2018 that required the respondents to pay rent.

4. The Tribunal were provided with an updated rent statement showing the sum awarded in this decision.

The Case Management Discussion (“the May CMD”)

1. The Tribunal had not been contacted by either of the respondents following the earlier CMD. The first respondent was aware of the time and date. Intimation to the second respondent was effected by advertisement on the Tribunal’s website.
2. The applicant sought an order for the rent arrears together with interest in accordance with clause 8 of the tenancy.

Findings in Fact

1. That the respondents are in arrears of rent amounting to the sum(s) noted above, and that the tenancy obliges both respondents to meet the rent obligations under the tenancy.

Reasons for Decision

1. The applicant has proven on the balance of probabilities that the respondents were obliged to pay rent under the tenancy but have failed to do so.

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.

G. Dunlop

25th May 2021

Legal Member/Chair

Date