



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber)**

Chamber Ref: FTS/HPC/CV/19/2250

Re: Property at 21 Montgomery Street, Larkhall ML9 2AA (“the Property”)

Parties:

Dr Paul Hare, residing at 25 The Glade, Larkhall, ML9 2JA (“the Applicant”)

Mr James Thomson, 21 Montgomery Street, Larkhall ML9 2AA (“The Respondent”)

Tribunal Members:

Paul Doyle (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment should be made.

Background

The Applicant sought an order for payment of rental arrears totalling £1,679. The Applicant had lodged with the Tribunal Form F. The documents produced were a Tenancy Agreement 04 May 2019; a notice to leave dated and served on 17 June 2019. The Respondent vacated the property voluntarily on 14 October 2019. A copy title sheet was lodged with the Tribunal which showed that the applicant is the heritable proprietor of the Property.

Case Management Discussion

A case management discussion took place before the Tribunal at 10.00am on 9 July 2018 at the Glasgow Tribunals Centre, 20 York street, Glasgow G2 8GT. The Applicant was represented by Mr P Munro. There was no appearance by or on behalf of the Respondent.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent entered into a Private Residential Tenancy Agreement for the Property dated 4 May 2018.
2. The period of the Lease was from 5 April 2018.
3. The initial rent in terms of the Tenancy Agreement was £330 per calendar month.
4. The Tenancy Agreement set out the grounds on which the Landlord could seek recovery of possession of the Property in terms of Schedule 3 of the 2016 Act.
5. A notice to leave (dated 17 June 2019) was served on the Respondent on 17 June 2019. The Respondent vacated the property on 14 October 2019.
6. An Application was made to the Tribunal on 17 July 2019 which was more than 28 days after the date of service of the notice to leave. The Applicant separately seeks recovery of possession of the Property on Ground 12 of schedule 3 to the Private Housing (Tenancies)(Scotland) Act 2016.
7. The Respondent has failed to make payment of rent due since 05 May 2019. At the date of service of the notice to leave, and at the date of application, there were arrears of rental totalling £920. By 14 October 2019 there were arrears of rental totalling £1,679.
8. Notice of the date of this hearing was served on the Respondent on 10 September 2019.

Reasons for the Decision

The Tribunal determined to make an Order for payment of £1,840. Rent was lawfully due in terms of clause 8 of the Tenancy Agreement at the rate of £330 per month. Since 05 May 2019 the Respondent has not paid any rent. Arrears of rental now total £1,679.00.

Decision

For the foregoing reasons, the Tribunal determined to make an Order for payment.

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.

Paul Doyle

Legal Member

Date 17 October 2019