



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/23/0127

Re: Property at 16 Roman Drive, Bearsden, G61 2QL (“the Property”)

Parties:

Mr Mark Fullerton, 11003 Pebble Garden Lane, Austin, Texas, 78739 1612, United States (“the Applicant”)

Mr Bradley McKay, Gillian McKay, 13 Burnmouth Place, Bearsden, G61 3PG (“the Respondent”)

Tribunal Members:

Nicola Irvine (Legal Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted an Order for Payment against the Respondents in favour of the Applicant in the sum of £5,300.

Background

1. The Applicant submitted an application under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. The Applicant sought an order for payment in respect of rent arrears said to have been incurred by the Respondents.
2. By decision dated 24 March 2023, a Convenor of the Housing and Property Chamber having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion (“CMD”).
3. The Tribunal intimated the application to the parties by letter of 17 April 2023 and advised them of the date, time and conference call details of today’s CMD. In that letter, the parties were also told that they required to take part in the

discussion and were informed that the Tribunal could make a decision today on the application if the Tribunal has sufficient information and considers the procedure to have been fair. The Respondents were invited to make written representations by 8 May 2023. No written representations were received.

The case management discussion (“CMD”)

4. The Applicant was represented by Mr Keir Gilius. The CMD took place by conference call and proceeded in the absence of the Respondents. The Applicant’s representative explained that the Respondents left the property on 31 August 2022. At that time, the level of rent arrears due by the Respondents was £7,200. The Applicant recovered the Respondents’ deposit of £1,900 and on 28 October 2022 that sum was applied to reduce the rent arrears to £5,300. The Applicant’s representative moved for an order for payment in the sum of £5,300.

Findings in Fact

5. The parties entered into a private residential tenancy which commenced 1 April 2022.
6. The contractual monthly rent was £1,800, payable in advance.
7. The Respondents incurred rent arrears totalling £7,200.

Reason for Decision

8. The Tribunal proceeded on the basis of the written documents which were before it and the submissions made at the CMD. The Applicant’s representative invited the Tribunal to grant the Order sought. The Respondents failed to lodge written submissions and failed to participate in the CMD. There was nothing to indicate that the Respondents had disputed the rent arrears by the time they vacated the property.

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.

Nicola Irvine

Legal Member/Chair

22nd May 2023

Date