



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 16 of the Housing (Scotland)
Act 2014**

Chamber Ref: FTS/HPC/CV/18/3077

Re: Property at 32 Scotia Crescent, Larkhall, ML9 1HT (“the Property”)

Parties:

**Mr James Duffy, Mrs Matilda Duffy, 132 St Bridges Way, Bothwell, G71 8QE
 (“the Applicants”)**

**Mr William Yuill, Ms Stephanie McGraw, 32 Scotia Crescent, Larkhall, ML9 1HT
 (“the Respondents”)**

Tribunal Members:

Mary-Claire Kelly (Legal Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to make an Order for Payment in the sum of ONE THOUSAND SIX HUNDRED AND SIXTY-SIX POUNDS AND SIXTY-SEVEN PENCE (£1666.67) in favour of the applicants.

Background

1. By application received on 14th November 2018 the applicants sought an Order for Payment in the sum of £1666.67 from the respondents in respect of unpaid rent.
2. A Case Management Discussion (“CMD”) took place on 21st January 2019. The applicants were represented by Jacqueline Duggan from Let Link Property Management Services. The respondents did not attend. The tribunal were satisfied that proper notice had been given to the respondents in terms of rule 24.1 of the rules of procedure. The tribunal proceeded with the CMD in the absence of the respondents in terms of rule 29.

The CMD

3. The applicants had lodged a copy of the tenancy agreement between the parties. The agreement was a Short Assured Tenancy in terms of the Housing (Scotland) Act 1988. The agreement was for an initial term from 10th September 2014 to 11th March 2015. Thereafter the agreement continued on a monthly basis. The rent payable in respect of the agreement was £475 per calendar month payable monthly in advance.
4. The applicants' agent advised the tribunal that the arrears had arisen over a period of time. The applicants had been receiving Housing Benefit to cover part of the rent however no Housing Benefit had been received since 21st August 2018. The respondents had previously fallen into rent arrears and the applicants had entered into a repayment arrangement.
5. The applicant's agent produced a rent account. The arrears had risen to £3091.67 since the application had been lodged. No payments had been made by the respondents since 27th September 2018 when they made a payment of £100.
6. The applicant's representative advised that efforts had been made to engage with the respondents to discuss their arrears however the respondents had failed to engage. She advised the tribunal that to her knowledge the respondents continued to reside in the property.
7. The applicant's representative asked the tribunal to grant an order for payment in the amount of £1666.67.

Findings in fact

8. The respondents occupy the property under a Short Assured Tenancy agreement with the applicants.
9. The rent due in terms of the tenancy agreement is £475 per calendar month.
10. The respondents have rent arrears as at the date of the CMD of £3091.57

Reasons for the Decision

11. In the absence of representations from the respondents the tribunal heard from the applicant's representative. The tribunal found her to be credible and reliable and had no reason to disbelieve the information she provided in relation to the rent arrears due by the respondents. The tribunal determined that the sums sought by the applicants were due to them for unpaid rent and accordingly made an Order for Payment.

Decision

12. The tribunal grants an Order for Payment in the sum of ONE THOUSAND SIX HUNDRED AND SIXTY-SIX POUNDS AND SIXTY-SEVEN PENCE (£1666.67).

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.

MC Kelly

Legal Member/Chair

Date

21st January 2019