



**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/19/2657

Re: Property at 99 Baird Hill, Murray, East Kilbride, G75 0EG (“the Property”)

Parties:

**Franchville Investments Limited, c/o The Property Bureau, Melville House, 70
Drymen Road, Glasgow, G61 2RH (“the Applicant”)**

**Miss Michelle Drummond, Mr Stephen Hyslop, 99 Baird Hill, Murray, East
Kilbride, G75 0EG (“the Respondent”)**

Tribunal Members:

Andrew Upton (Legal Member)

Decision (in absence of the Respondents)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that an order for payment by the Respondents to the
Applicant should be granted in the sum of SIX THOUSAND FIVE HUNDRED
POUNDS (£6,500.00) STERLING**

FINDINGS IN FACT

1. The Applicant was the landlord and the Respondents the tenants of the Property under and in terms of a Short Assured Tenancy Agreement which commenced on 27 August 2015.
2. The monthly rent due by the Respondents to Applicant was £650.
3. At 13 December 2019, the sum outstanding and due by the Respondents to the Applicant for rent arrears was £6,500.

FINDINGS IN FACT AND LAW

1. The Respondents, having failed to make payment of rent as it fell due, are in material breach of their obligations under and in terms of the Tenancy Agreement.
2. The Applicant is entitled to payment from the Respondents of the sum of £6,500.

STATEMENT OF REASONS

1. This case called before me for a Case Management Discussion on 13 December 2019 at 10.00am. The Applicant was represented by Mr O'Hanlon, solicitor. There was no appearance for or on behalf of either Respondent.
2. This case previously called for a Case Management Discussion on 21 October 2019. At that CMD, there was a suggestion that the Property had repairing issues, and that the first named Respondent, Miss Drummond, had experienced housing benefit issues. There was also a suggestion that a payment arrangement would be discussed. I asked Mr O'Hanlon what had happened following the CMD, and was told that no contact had been received from the Respondent despite attempts by the Applicant's representative. I was shown a letter to Miss Drummond dated 29 October 2019 in that regard. I was also told that the Applicant's representative had made separate enquiries of the letting agents, The Property Bureau, regarding what information had been sought as part of housing benefit enquiries. I was shown a letter from The Property Bureau to the Applicant's Representatives confirming that they had no record of any information having been requested from them in support of a housing benefit enquiry.
3. Mr O'Hanlon advised that no payments had been received since February 2019. As such, the sum outstanding as at the last CMD (£5,200) had increased by two further monthly instalments of £650. The total outstanding as at the date of the CMD was therefore £6,500. He moved me to grant an order for payment in that sum against the Respondents in favour of the Applicant.
4. I am satisfied that the Respondents had notice of the Application and the CMD, but chose not to attend to offer any resistance to the Application. The Application clearly seeks payment of a sum outstanding at the date of the application, together with sums accrued before the granting of the order. At the last CMD, the sum sought was £6,500. I am satisfied that the Respondents had notice that the sum sought would increase on a monthly basis, and that their failure to attend the CMD would result in their losing their opportunity to dispute the sum allegedly due. In all of the circumstances, and having regard to the Overriding Objective in terms of the Rules of Procedure, I was satisfied that the sum due and outstanding to the Applicant was £6,500 and that an order for payment of that sum ought to be granted in its favour. I therefore made that order.

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.

Andrew Upton
Legal Member/Chair

13 DECEMBER 2019

Date