

Housing and Property Chamber
First-tier Tribunal for Scotland



**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/23/2060

**Re: Property at 30 Millburn Street, Lennoxton, Glasgow, G66 7EE (“the
Property”)**

Parties:

**Mr Anthony Graham Dixon, Finnartmore, Shore Road, Kilcreggan,
Helensburgh, Dumbartonshire (“the Applicant”)**

**Miss Alisa Docherty, Mr Mark Watson, Flat 3-2, 1 Scapa Way, Stepps, Glasgow,
G33 6GL; 83 Gartloch Way, Glasgow, G69 8FD (“the Respondents”)**

Tribunal Members:

Andrew Upton (Legal Member) and Ann Moore (Ordinary Member)

Decision (in absence of the Respondents)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that the Respondents are liable to make payment to the
Applicant in the sum of SEVEN THOUSAND FIVE HUNDRED AND SEVENTY-
FIVE POUNDS (£7,575.00) STERLING**

Statement of Reasons

1. This Application called for a Hearing by teleconference call on 4 March 2024. The Applicant was represented by Miss Cook. The Respondents were neither present nor represented.
2. In this Application the Applicant seeks payment of the sum of £7,575, which he asserts is due to him from the Respondents as rent arrears. The Application called for a Case Management Discussion on 23 November 2023. On the evening before the CMD, the Second Respondent emailed the Tribunal to advise that he had only just been made aware of the Application, and seek time to consider the papers and instruct representation. He

indicated that he intended to defend the Application on the basis that (i) the sum sued for is not properly due, and (ii) in the event that he is due to pay something, he is entitled to set-off his own claim for damages against the landlord's claim for payment. There was no appearance by either Respondent at the CMD, but in light of the Second Respondent's email the Tribunal fixed a Hearing on evidence, which had the effect of giving the Second Respondent an opportunity to defend the Application. The Tribunal also directed the Second Respondent to lodge written representations setting out his proposed defence.

3. The Second Respondent failed to comply with the Tribunal's direction. Neither Respondent appeared at the Hearing.
4. At the Hearing, Miss Cook asserted that the sum of £7,575 remained due by the Respondents to the Applicant as rent arrears under and in terms of the Private Residential Tenancy agreement between them; all as more particularly set out in the Application and supporting rent arrears schedule. There was no contradictor to that position. In the circumstances, the Tribunal was satisfied that the sum of £7,575 was due to be paid by the Respondents to the Applicant in rent for the Property, and had not been paid.
5. Accordingly, the Respondents being under a contractual obligation to make payment to the Applicant in the sum of £7,575, and that sum having not been paid by them, the Tribunal is satisfied that a payment order should be granted in the sum of £7,575.

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.

A Upton

4th March 2024

Legal Member/Chair

Date