

**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(1) of the Private Housing Tenancies (Scotland) Act 2016 and Rule 111 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.**

**Chamber Ref: FTS/HPC/CV/23/4009**

**Re: Property at 170 Dunbeth Road, Coatbridge, ML5 3JW (“the Property”)**

**Parties:**

**Miss Janine Clark, Flat 1/3 83 Gartloch Avenue, Gartloch, Glasgow (“the Applicant”)**

**Mr Gary Veldon, 170 Dunbeth Road, Coatbridge, ML5 3JW (“the Respondent”)**

**Tribunal Members:**

**Martin J. McAllister (Legal Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order be made against the Respondent for payment to the Applicant of the sum of EIGHT THOUSAND ONE HUNDRED POUNDS (£8100).**

- 1. This matter called for a case management discussion and concerned an application for civil proceedings in relation to a Private Residential Tenancy under Section 71(1) of the Private Housing (Tenancies) (Scotland) Act 2016. A teleconference was held on 23 February 2024.**

**Attendance**

- 2. The Applicant was in attendance and was accompanied by Jason Gillan, a supporter.**
- 3. There was no appearance by the Respondent and the tribunal had a copy of a Sheriff Officer’s Certificate of Intimation confirming that the case papers and details of the case management discussion had been served on him on 9 January 2024.**

4. In the circumstances, a decision was taken to proceed with the case management discussion.
5. The legal member explained the purpose of a case management discussion.

## **Background**

6. On 10 November 2023, the Applicant submitted an application to the First-tier Tribunal for Scotland seeking an order of payment in respect of rent arrears. The sum sought was £8100.
7. The rent arrears are in respect of the Property and a private residential tenancy agreement was submitted which showed that the parties entered into a contract of let with the tenancy commencing on 12 March 2021.

## **Preliminary Matters**

8. The Applicant said that the rent statement submitted with the application was up to December 2023 and that the Respondent has made no payment of rent since then. It was explained to her that the amount claimed could not be amended in terms of Rule 14A unless such a request had been received at least fourteen days prior to the case management discussion and had been copied to the Respondent. It was explained to the Applicant that she could consider submitting another application in respect of the rent arrears accrued since December 2023.

## **9. Findings in Fact**

- 9.1 The parties entered into a private residential tenancy agreement in respect of the Property.
- 9.2 The tenancy commenced on 12 March 2023 and is continuing.
- 9.3 The monthly rent due under the private residential tenancy is £450.
- 9.4 There are rent arrears of £8100 up to 12 December 2023.

## **10. Documents before the Tribunal**

- 10.1 Rent statement to 12 December 2023
- 10.2 Private residential tenancy agreement with stated tenancy commencement date of 12 March 2021

## **Reasons**

11. The tribunal considered that there was no reason to adjourn the determination of the application to a Hearing. The Respondent had received notice of the case management discussion and had chosen not to participate. He had also been given the opportunity to submit written

representations but had chosen not to do so. The tribunal considered that it had sufficient information to determine the application.

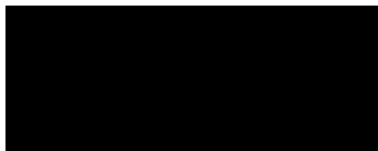
12. The Applicant said that she had tried to get the Respondent to engage with her to try and deal with the arrears. It was noted that the copy letter dated 10 November 2023, and which the Applicant said was sent to the Respondent, advised him that an application would be made to the Tribunal but stated that she would be willing to enter into a payment plan. The Applicant said that there was no response to this letter or to many previous approaches which she and the letting agent had made to the Respondent.

13. It was accepted that the private residential tenancy agreement was evidence that the parties had entered into a letting contract with monthly rental payments of £450.

14. It was accepted that the rent statement demonstrated that, at 12 December 2023, there were rent arrears of £8100.

### **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.



**Martin J. McAllister**  
**Legal Member**  
**23 February 2024**