



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

Chamber Ref: FTS/HPC/CV/23/4669

Re: Property at Flat 1/2, 8 Burnham Road, Glasgow, G14 0XA (“the Property”)

Parties:

SILS Management Limited, 108 East Kilbride Road, Busby,, Glasgow, G76 8JF (“the Applicant”)

Mr Cameron Smart, Flat 1/2, 8 Burnham Road, Glasgow, G14 0XA (“the Respondent”)

Tribunal Members:

Mary-Claire Kelly (Legal Member) and Gerard Darroch (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to grant an order for payment in the sum of TWO THOUSAND THREE HUNDRED AND NINETY-FOUR POUNDS AND TWENTY-FIVE PENCE

Background

1. By application dated 22nd December 2023 the applicant seeks an order for payment in respect of rent arrears.
2. The applicant lodged the following documents with the application:
 - Copy tenancy agreement
 - Rent statement
3. A case management discussion (“cmd”) was assigned for 22nd April 2024.

Case management discussion (“cmd”)- 22nd April 2024- teleconference

4. The applicant was in attendance at the cmd..The respondent was not present or represented. The Tribunal noted that service have been by advertisement after it had not been possible to effect service in person. The Tribunal was satisfied that proper notice of the cmd had been given to the respondent in terms of the rules. The Tribunal determined to proceed with the cmd in the respondent’s absence in terms of Rule 29.
5. The applicant sought an order for payment in the sum of £2394.25. Rent accounts had been lodged which spanned the period from 7th December 2020 to 7th December 2023. These showed the rent arrears as at 7th December 2023 to be £2394.25.
6. The applicant advised that the tenant had left the property, handing back the keys on 5th March 2024. By that date arrears had increased further and there were also issues with the condition the property had been left in. The applicant does not seek to increase the sum sued for in the present application. The applicant advised that the respondent had not provided a forwarding address. He explained that payment of rent had been erratic for some time with the respondent failing to pay the full rent due on any month since January 2023. He advised that the respondent had been in and out of employment but as far as he was aware no rental payments had been made by benefits.

Findings in fact

7. Parties entered in a tenancy agreement with a commencement date of 7th December 2023.
8. Monthly rent due in terms of the agreement was £509.85..
9. Arrears as at 7th December 2023 amounted to £2394.25.

Reasons for the decision

10. The Tribunal had regard to the application and the documents lodged by the applicant. The Tribunal also took into account oral submissions at the cmd.
11. The Tribunal took into account that the respondent had not lodged any defence to the application or disputed the sum sought in any way.
12. The Tribunal was satisfied that arrears in the amount of £2394.25 were lawfully due as at the date of the cmd.

Decision

The Tribunal determined to grant an order for payment in the sum of £2394.25.

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.

Mary-Claire Kelly

Legal Member/Chair

22nd April 2024
Date