

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

Chamber Ref: FTS/HPC/CV/19/0084

Re: Property at 28H Watchmeal Crescent, Clydebank, Glasgow, G81 5ED (“the Property”)

Parties:

Mr Phillip Ross, c/o Infiniti Properties, 1016 Argyle Street, Glasgow, G3 8LX (“the Applicant”)

Mr Fergal Kane, 28H Watchmeal Crescent, Clydebank, Glasgow, G81 5ED (“the Respondent”)

Tribunal Members:

Graham Harding (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant was entitled to an order for payment by the Respondent to the Applicant in the sum of £1568.30.

Background

1. By application dated 9 January 2019 the Applicant’s representatives Hardy MacPhail, Solicitors, Glasgow, applied to the Tribunal for an order for payment in respect of alleged rent arrears due by the Respondent in terms of his tenancy of the property. The Applicant’s representatives provided the Tribunal with a copy of the lease and a copy rent statement in support of the application.
2. By Notice of Acceptance dated 22 February 2019 a legal member of the Tribunal with delegated powers accepted the application and a Case Management Discussion was assigned.

3. A Case Management Discussion assigned for 14 May 2019 was postponed at the request of the Applicant's representatives and a further Case Management discussion was assigned to take place on 6 June 2019.
4. Intimation of the Case Management Discussion was sent to the applicant's representatives by post on 3 May 2019 and to the Respondent by Sheriff Officers on 7 May 2019.

Case Management Discussion

5. The Case Management Discussion was held on 6 June 2019 at Glasgow Tribunals Centre, 20 York Street, Glasgow. It was attended by Mr Michael Ritchie on behalf of the Applicant. The Respondent did not attend or give any explanation for his non-attendance. The Tribunal on being satisfied that proper intimation of the Case Management Discussion had been given to the Respondent proceeded in his absence in accordance with Rule 29 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 ("the 2017 Regulations").
6. Mr Ritchie confirmed the parties had entered into a Private Residential Tenancy Agreement in respect of the property that commenced on 13 July 2018 at a monthly rent of £450.00.
7. Mr Ritchie provided the Tribunal with an up to date rent schedule that showed that the current arrears stood at £3818.30. He said the Respondent had paid rent erratically between August and October 2018 but had failed to pay any rent at all since the last payment received on 8 October 2018. He said that as far as he was aware the Respondent remained in occupation of the property. Although the arrears had increased to £3818.30, Mr Ritchie said he was not seeking to amend the sum claimed and asked the Tribunal to grant an order for payment in the sum of £1568.30.

Findings in Fact

8. The parties entered into a Private Residential Tenancy agreement in respect of the property that commenced on 13 July 2018 at a monthly rent of £450.00.
9. The Respondent accrued rent arrears of £1568.30 as at 8 January 2019.
10. The rent arrears had risen to £3818.30 by 1 June 2019.

Reasons for Decision

11. The Tribunal was satisfied from the evidence provided by the Applicant's representative and from the documentary evidence provided that the parties had entered into a Private Residential Tenancy Agreement that commenced on 13 July 2018 at a monthly rent of £450.00.

12. The tribunal was satisfied that the rent schedules prepared by the Applicant's letting agents showed the rent due by the Respondent both at the date of the application and at the date of the Case Management Discussion.
13. The Applicant's representative, Mr Ritchie did not seek to amend the sum claimed and asked the Tribunal to grant an order for payment in the sum of £1568.30 and the Tribunal being satisfied that this sum was due by the Respondent at the date of the application was prepared to grant the order.

Decision

14. The Tribunal finds the Applicant entitled to an order for payment by the Respondent to the Applicant in the sum of £1568.30.

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.

Graham Harding

Legal Member/Chair

6 June 2019

Date