



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51 of the Private Housing (Tenancies)(Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/20/1488

Re: Property at 179 8/2 Finnieston Street, Glasgow, G3 8HE (“the Property”)

Parties:

Burgh Properties Limited, 244 Gallowgate, Glasgow, G4 0TT (“the Applicant”)

Nasrullah Mohammed, 179 8/2 Finnieston Street, Glasgow, G3 8HE (“the Respondent”)

Tribunal Members:

Yvonne McKenna (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment by the Respondent to the Applicant of the sum of £6440 (SIX THOUSAND FOUR HUNDRED AND FORTY POUNDS) be granted.

BACKGROUND

1. This is an application by the Applicant for payment in respect of arrears of rent in the amount of £4200 at the date the application was lodged with the Tribunal. The application is dated 10th July 2020.

2. In support of the application the Applicant provided; -

- the copy Private Residential Tenancy Agreement between the parties
- a Rent Statement showing arrears and late payments

3. By Notice of Acceptance dated 5TH August 2020 a Legal Member of the Tribunal with delegated powers of the Chamber President intimated that there were no grounds for rejecting the application.

4. A Direction was made by the Tribunal on 5th August 2020 in terms of Rule 28(1) of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (the Rules) which ordered the Applicant to lodge with the Tribunal no later than 14 days before the Case Management Discussion (CMD) any request to amend the Application to seek a different sum together with an updated rent statement for the Property in respect of that period to the date the request for amendment was made.

5. A CMD was assigned for 21st September 2020 at 10am. In view of the chaos caused by the COVID-19 pandemic the CMD was scheduled to take place by teleconference.

6. Service was effected on the Respondent by Sheriff Officers personally on 25th August 2020. The Respondent was served with a copy of the Application and case papers as well as a letter notifying him of the date and time of the CMD , Application for Time to Pay , Time to Pay Guidance, Data Protection Principles and Guidance Notes.

7. The Respondent did not make any written representations to the Tribunal.

8. An application to amend the sum claimed was received from the Applicant on 1st September 2020. This sought to increase the sum claimed to £6440. This was sent by the Applicant to the Respondent by recorded delivery mail on 2nd September 2020. Service was effected and the recorded delivery was signed for on 3rd September 2020. The application to amend the sum claimed was accompanied by an updated rent statement. The application to amend and the updated rent statement were also forwarded to the Respondent by the Tribunal on 3rd September 2020.

THE CASE MANAGEMENT DISCUSSION (CMD)

9. The case called for a CMD on 21st September 2020 at 10 am. The Applicant was represented by Mr. Fraser Crombie solicitor of Gilson Gray LLP. The Respondent was not present and was unrepresented.

10. The tribunal were satisfied that the Respondent had notification of the CMD and the fact that the tribunal could proceed in the Respondent's absence and determine the matter if it had sufficient information to do so and the procedure was fair. The tribunal accordingly decided to proceed with the CMD.

FINDINGS IN FACT

11. The tribunal considered the evidence and made the following findings in fact;

- By the Private Residential Tenancy Agreement commencing 28th January 2020 the Applicant rented the Property to the Respondent.
- The Property is owned by the Applicant.
- The rent payable was £1,120 per calendar month payable in advance.
- The Respondent fell into arrears of rent
- The Applicant presented an application to the Tribunal seeking an order for payment
- As at the date of the application to the Tribunal (10TH July 2020) the arrears of rent amounted to £4200. As at the date of the CMD today the arrears were £ 6440.

REASONS FOR DECISION

12. Regulation 17 of the Rules provides that the Tribunal may do anything at a CMD which it may do at a Hearing including making a Decision. The tribunal were satisfied that it had enough information to determine the matter at the CMD and the procedure had been fair. The tribunal was satisfied that the amount sought had become lawfully due by the Respondent to the Applicant.

DECISION

10. The tribunal determined that the application should be determined without a Hearing and granted the order for payment by the Respondent to the Applicant of the sum of in the sum of SIX THOUSAND FOUR HUNDRED AND FORTY POUNDS (£6440) .

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.

**Yvonne McKenna
Legal Member/Chair**

Date 21st September 2020