



**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/22/1276**

**Re: Property at 56 Cecil Street, Glasgow, G12 8RJ (“the Property”)**

**Parties:**

**HJC Properties, 11 Athole Gardens, Glasgow, G12 9AZ (“the Applicant”)**

**Mr Colin Knox, c/o Quayside care home, 250 Halley Street, Yoker, Glasgow, G13 4DT (“the Respondent”)**

**Tribunal Members:**

**David Preston (Legal Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the respondent pay to the applicants the sum of Eighteen thousand pounds (£18,000) being arrears of rent under the Tenancy Agreement between the parties.**

1. This was the third Case Management Discussion (CMD) in relation to this application. The previous CMDs of 15 December 2022 and 7 March 2023 had been adjourned to enable the position of the Attorney appointed on behalf of the respondent to be clarified and to provide him with an opportunity to appear.
2. By email dated 24 March 2023, Mr James Alister Aitkenhead submitted a Power of Attorney dated 20 October 2021 together with Certificate of Registration with the Office of the Public Guardian dated 1 June 2022 and Certificate under sections 15(3)(d) and 16(3)(c) of the Adults with Incapacity (Scotland) Act 2000.
3. Mr John Perdikou attended the CMD on behalf of the applicants and Mr Alister Aitkenhead attended on behalf of the respondent.

4. Mr Aitkenhead outlined the circumstances surrounding his appointment as Attorney for the respondent following upon the accident. He explained the difficulties which he had encountered in being able to assess the respondent's financial position. He confirmed that the bank had now accepted his appointment and indicated that he wished a further continuation of the application for a period of four weeks to enable him to assess the finances and determine the solvency of the respondent's estate. He acknowledged that rent was due to the applicant for the period until the flat had been cleared. He sought to advance no defence to the claim but advised that in the absence of an ability to investigate the respondent's financial position he was unable to consent to any Order being granted.
5. Mr Perdikou confirmed that he was seeking arrears of rent to 1 September 2022 as per the rent statement dated 22 December 2022 in the sum of £18,000 submitted to the tribunal on 19 December 2022.
6. There being no defence advanced on behalf of the respondent to the claim, the tribunal granted the Order in full. It did not consider that any further adjournment would serve any purpose.

### **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.**

David Preston

2 May 2023