

**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 arising from Section 1 of the Private Housing (Tenancies) (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/CV/21/1267**

**Re: Property at 0/2, 7 Aberfoyle Street, Glasgow, G31 3RW (“the Property”)**

**Parties:**

**Mr Ragbhir Ram, 1491 Dumbarton Road, Glasgow, G14 9XL (“the Applicant”)**

**Mr Thomas Kane, 0/2, 7 Aberfoyle Street, Glasgow, G31 3RW (“the Respondent”)**

**Tribunal Members:**

**Susan Christie (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 granted for payment by the Respondent to the Applicant in the sum of £2,550.**

**Background**

- 1 The Application under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”) was made, received by the Tribunal on 26 May 2021.
- 2 A Notice of Acceptance is dated 10 June 2021.
- 3 The Applicant seeks a payment Order for unpaid rent due under a Private Residential Tenancy.

**The Case Management Discussion- 21 July 2021.**

- 4 A Case Management Discussion (CMD) took place today by conference call. The Applicant was represented by Mr Girdwood of Guardian Letting & Sales Limited.

- 5 The Respondent did not participate. A Certificate of Service of the paperwork on the Respondent by Sheriff Officer shows personal service, of the paperwork including the application, on the Respondent on 18 June 2021. The Tribunal was satisfied that proper intimation had been made and proceeded with the CMD in his absence, the procedure having been fair.
- 6 Written representations were due by 8 July 2021 but the Respondent had not submitted any.
- 7 The paperwork submitted along with the Application was examined and discussed alongside the application.
- 8 The Applicant is the registered owner of the Property and landlord.
- 9 A Private Residential Tenancy (PRT) was entered into between the Applicant and the Respondent on 16 February 2019, with the same start date.
- 10 The rent is £350 per calendar month payable in advance on the 16<sup>th</sup> of the month in cash.
- 11 A deposit of £350 was taken.
- 12 The rent account statement produced were considered. It shows that as of 16 May 2021 the outstanding rent owed was £2,550. Mr Girdwood stated that the current arrears as at today are £2,900. This takes into account a payment of one month's rent of £350 made on 30 June 2021 as well as the ongoing rent due and charged to the account. He stated that there had been a delay in effecting repairs due to Covid-19 and the central heating work had now been completed. The £350 rent payment had been made after that. There was still a windows replacement pending, but this had been delayed in the manufacturing chain and work is now scheduled for 8 August 2021. No formal notice had been given of retention of rent by the tenant. The Applicant seeks an order for payment in this application for the sum intimated on the Respondent.

## **Findings in Fact**

- I. A Private Residential Tenancy (PRT) was entered into between the Parties on 16 February 2019, with the same start date.
- II. The rent is £350 per calendar month payable in advance on 16<sup>th</sup> of the month in cash.
- III. As of 16 May 2021, the unpaid rent is £2,550.
- IV. A payment was made of £350 on 30 June 2021.
- V. The unpaid rent due as at today is stated to be £2,900.
- VI. The Respondent being in arrears of rent, a payment Order is granted for £2,550 in this application.

## **Reasons for Decision & Decision**

The Tribunal was satisfied a Private Residential Tenancy (PRT) was entered into between the Applicant over the Property with a rent of £350 per calendar month payable in advance on the 16<sup>th</sup> of the month in cash.

There appeared to have been an issue with the central heating boiler that needed repaired or replaced and a delay in effecting the works for that, and for a window issue. Non-payment of rent possibly coincided with those issues. However, the

Respondent did not make written representations to the tribunal and did not participate today. I was therefore not able to determine if there was a retention of rent for repairs and no abatement of rent had been sought by the Respondent. I was told that a payment of £350 was made recently after the central heating was replaced or repaired. Further rent was due, and the actual balance stood at £2,900. The application as intimated to the Respondent is £2,550 and an order is made in that sum.

### **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.**

Susan Christie

21/07/2021

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**Legal Member/Chair**

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**Date**