



**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/21/1434**

**Re: Property at 22 Birdston Road, Milton of Campsie, Glasgow, G66 8BU (“the Property”)**

**Parties:**

**Mr Allan Gray, 41 Inverlochy Crescent, Glasgow, G33 5ES (“the Applicant”)**

**Miss Gillian Garlinge, 10 Lammermoor Road, Kirkintilloch, G66 2AZ (“the Respondent”)**

**Tribunal Members:**

**Rory Cowan (Legal Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that a Payment Order in the sum of £6,780.13 should be granted.**

- Background

By application dated 7 June 2021 the Applicant seeks a Payment Order against the Respondent relative to rent arrears for the Property (the Application). Following acceptance of the Application, a Case Management Discussion (CMD) to be heard by way of conference call was fixed for 8 September 2021. At the CMD the Applicant was represented by a Ms Swira and the Respondent represented herself. At that CMD the Respondent indicated that the sums sued for were not in dispute and that she wanted to contact the Applicant to make arrangements for settlement of same and to consider the making of an application for Time To pay. Following the (CMD) on 8 September 2021, a further CMD was fixed for 27 October 2021 to allow the Respondent to lodge a time to pay application.

Unfortunately, as a result of an administrative failure, neither the Applicant or the Respondent were advised of the further date for the CMD and, as a result, neither

attended, nor took part in, the CMD on 27 October 2021. As such a further CMD was fixed for 9 December 2021 and the parties were notified of the date for the CMD accordingly.

- The Case Management Discussion

A Case Management Discussion (CMD) was fixed to be heard by way of conference call on 9 December 2021. A Ms Swira, trainee solicitor, again appeared for the Applicant. Ms Swira indicated that there had been no contact by the Respondent to either her firm or to the Applicant. There was no appearance or representation for the Respondent. No Time To Pay Application had been lodged with the Tribunal. Notwithstanding, the Tribunal was satisfied that proper intimation had been made of the Application to the Respondent and that she therefore knew about the CMD and her requirement to attend. That being the case, the Tribunal decided to deal with matters in her absence.

Ms Swira confirmed that the arrears sought were £6,780.13 and that the Respondent had vacated the Property.

- Findings in Fact

- 1) The Applicant entered into a lease with the Respondent for the Property which commenced on or around 28 December 2018.
- 2) The rent due under the lease was £795 per calendar month.
- 3) The Respondent vacated the Property on or around June 2021 leaving arrears of rent amounting to £6,780.13.
- 4) The Applicant is entitled to a Payment Order against the Respondent in the sum of £6,780.13.

- Reasons for Decision

The Respondent having failed to pay the rent due under the tenancy for the Property and has accrued arrears of rent in the sum of £6,780.13. The said arrears having been accepted by the Respondent at the CMD on 8 September 2021.

- Decision

A Payment Order in the sum of £6,780.13 was granted in favour of the Applicant against the Respondent.

## 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.

Rory Cowan

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Legal Member/Chair

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Date 9 December 2021