



**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/21/1954

Re: Property at 91 Backbrae Street, Kilsyth, Glasgow, G65 0NB (“the Property”)

Parties:

**Mr Stuart Howard, Mrs Anne Howard, Heathery-Knowe, High Barrwood Road,
Kilsyth, Glasgow, G65 0EE (“the Applicant”)**

**Ms Paula Glancy, 42 Highfield Road, Hillhead, Kirkintilloch, G66 2PS (“the
Respondent”)**

Tribunal Member:

Lesley-Anne Mulholland (Legal Member) and Janine Green (Ordinary Member)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that a Payment Order in the sum of £220 is made in favour
of the Applicants against the Respondent.**

Summary of Discussion

1. The Applicants are the Landlord and Landlady and rightful owners of the property at 91 Backbrae Street, Kilsyth, Glasgow, G65 0NB (“the Property”). The Respondent is the Tenant.
2. The Applicants made an application for a Payment Order representing rent arrears and the cost of replacing or repairing damaged property.
3. On 14 September 2021 a Legal Member of the First-tier Tribunal with delegated powers of the Chamber President, considered the application paperwork and accepted the application as validly made.
4. A Case Management Discussion took place remotely on 22 October 2021. A note was prepared setting out the discussion and is referred to for its terms. It

was decided at the Case Management Discussion that an evidential hearing was required to determine disputed facts.

5. The evidential hearing was conducted today remotely by teleconference. Mr and Mrs Howard attended. The Respondent and her Representative failed to attend without excuse. We waited until 10:14 am and then decided to proceed in the Respondent's absence, having regard to the overriding objective, as it was fair and just to do so.
6. We were satisfied that those present could hear and be heard. The connectivity and sound were of a reasonable quality and there were no apparent difficulties brought to our attention. We were satisfied that those present were given a fair opportunity to present the application.
7. It was explained to Mr Howard that we had seen his email in which he sets out that the Applicants are no longer relying upon their claim for damage to the property but continue to rely upon their application for a Payment Order in respect of the rent arrears. The rent arrears amount to £705 of which the deposit of £485 was taken leaving a balance of £220. At the Case Management Discussion on 22 October 2021, the Respondent accepted that there was a balance of £220 in respect of rent arrears. As this amount is not in dispute, we decided to make a Payment Order in the sum of £220.

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.

L-A. Mulholland

3rd December 2021

Legal Member/Chair

Date