



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 and Rule 70 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Procedure Rules.”)

Chamber Ref: FTS/HPC/CV/21/2583

Re: Property at Flat 2/2, 24 Great Dove Hill, Glasgow, G1 5DN (“the Property”)

Parties:

Mrs Mary Gates, Carpenters Lodge, 54 St Leonards Street, Stanford, PE9 2HN (“the Applicant”)

Looking to Rent, 576 Alexandra Parade, Glasgow, G31 3BP (“the Applicant’s Representative”)

Mr Andrew Morson, Address Unknown (“the Respondent”)

Tribunal Member:

Martin McAllister (Legal Member) (“the tribunal”)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) granted an order against the Respondent for payment of the undernoted sum to the Applicant:

One Thousand Seven Hundred and Sixty Eight Pounds 19 pence (£1,768.19)

Background

- 1. On 20th October 2021 the Applicant submitted an application to the First-tier Tribunal for Scotland seeking payment of the sum of £2,150 in respect of rent arrears.**
- 2. A case management discussion was held on 2nd February 2022.**

3. The Applicant did not know the address of the Respondent and made a successful application to the Tribunal for service by advertisement. The tribunal had a certificate of service by advertisement dated 2nd February 2020 which showed that the advertisement commenced on 23rd December 2021.

Case Management Discussion

4. The case management discussion was held by audio conference.
5. The purpose of a case management discussion was explained by the tribunal.
6. The Applicant was represented by Ms Lynn Blackwood of Looking to Rent, letting agents. There was no appearance by the Respondent.
7. Ms Blackwood confirmed that the Applicant was seeking a payment order in respect of rent arrears owed by the Respondent.
8. Ms Blackwood said that arrears of rent started in 2020 and that the Respondent agreed to a payment plan to deal with them but that he only complied with it for a short time.
9. Ms Blackwood said that the tenancy came to an end on 6th November 2021.
10. Ms Blackwood stated that the sum sought in the application was £2,150 but that she wanted to amend the sum being sought. She explained that the tenancy deposit was recovered which amounted to £700. She explained that certain post termination costs were applied to the deposit and, when the net figure was applied to rent arrears, the balance due by the Respondent to the Applicant was £1,768.19.
11. The tribunal acceded to Ms Blackwood's request and amended the sum sought to £1,768.19.

Findings in Fact

12.

- 12.1 The parties entered into a short assured tenancy agreement in respect of the Property on 17th October 2016.
- 12.2 The tenancy agreement contained an obligation to pay monthly rent of £700.
- 12.3 The tenancy terminated on 6th November 2021.
- 12.4 At termination of the tenancy there were rent arrears of £2,150.

12.5 The Applicant has recovered the tenancy deposit and has applied the net sum to the rent arrears leaving a balance of rent arrears amounting to £1,768.19.

Reasons

13. The tribunal saw no reason for a Hearing. The Respondent had not participated in the case management discussion and the tribunal considered that it had sufficient evidence to determine the application.

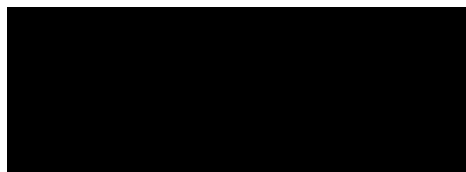
14. The Applicant's Representative had supplied a rent statement showing a level of rent arrears of £2,150 and the tribunal accepted the evidence of Ms Blackwood with regard to the net sum of rent arrears of £1,768.19.

15. The tribunal accepted the terms of the short assured tenancy agreement which had been lodged. The Respondent had made no representations that he was not subject to it.

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.

Legal Member:



Date: 02/02/2022