

Housing and Property Chamber
First-tier Tribunal for Scotland



**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/21/2998

Re: Property at 17 Rennie Road, Kilsyth, Glasgow, G65 9PQ (“the Property”)

Parties:

**D & T Assets Limited, 7 Sallyport House, City Road, Newcastle Upon Tyne, NE1
2AE (“the Applicant”)**

Mr Blue Gray, 17 Rennie Road, Kilsyth, Glasgow, G65 9PQ (“the Respondent”)

Tribunal Members:

Graham Harding (Legal Member) and Ahsan Khan (Ordinary Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that the Applicant was entitled to an order for payment by
the Respondent to the applicant in the sum of £6800.00.**

Background

1. By application dated 29 November 2021 the Applicant’s representatives T C Young, Solicitors, Glasgow, applied to the Tribunal for an order for payment in respect of alleged rent arrears arising from the Respondent’s tenancy of the property. They submitted a copy of the tenancy agreement, Notice to Leave, email to the Respondent, Rent Statement, Section 11 notice, email to local authority and pre-action requirement correspondence in support of the application.
2. By notice of Acceptance dated 14 December 2021 a legal member of the Tribunal with delegated powers accepted the application and a Case Management Discussion (“CMD”) was assigned.
3. Intimation of the CMD was served on the Respondent by Sheriff Officers on 20 January 2022.

4. By email dated 20 January 2022 the Applicant's representative sought to increase the sum claimed to £6800.00.

The Case Management Discussion

5. A CMD was held by teleconference on 24 February 2022. The Applicant was represented by Miss Morrison from the Applicant's representatives. The Respondent did not attend nor was he represented. The Tribunal being satisfied that proper intimation of the CMD had been given to the Respondent determined to proceed in his absence.
6. Miss Morrison referred the Tribunal to the documents submitted with the application and confirmed that she was asking the Tribunal to grant an order for payment in the increased sum of £6800.00. She explained that the sum now outstanding amounted to £7650.00. She confirmed that since taking occupancy of the property on 24 September 2020 the Respondent had failed to pay any rent or the required deposit.

Findings in Fact

7. The parties entered into a Private Residential Tenancy Agreement that commenced on 24 September 2020 at a rent of £425.00 per calendar month.
8. The Respondent failed to make any rent payments or pay the deposit.
9. The rent due as at 20 January 2022 amounted to £6800.00.
10. The rent due at the date of the CMD amounted to £7650.00.

Reasons for Decision

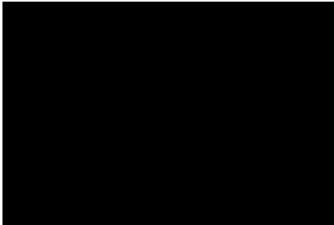
11. The Tribunal was satisfied from the documents produced and from the oral submissions from Miss Morrison at the CMD that the parties had entered into a Private Residential Tenancy Agreement at a monthly rent of £425.00. The Tribunal was also satisfied that the Respondent had made no payments at all throughout the tenancy and that the sum due by the Respondent as at 20 January 2022 was £6800.00. The Tribunal therefore allowed the sum claimed to be amended and granted an order for the increased amount in the sum of £6800.00.

Decision

12. The Tribunal being satisfied that it had sufficient information before it to make a decision without the need for a hearing found the Applicant entitled to an order for payment by the Respondent to the applicant in the sum of £6800.00.

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.



Graham Harding
Legal Member/Chair

24 February 2022
Date