



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/22/3658

Re: Property at 61 Hood St, Clydebank, G81 2LU (“the Property”)

Parties:

Mr John Houston, 7 Ben Edra Place, Glasgow, G53 7PN (“the Applicant”)

Miss Carry Anne Scallan, 61 Hood St, Clydebank, G81 2LU (“the Respondent”)

Tribunal Members:

Nairn Young (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that

- Background

This is an application for an order for payment of rent arrears alleged to be owed by the Respondent to the Applicant in terms of her private residential tenancy of the Property. It called for a case management discussion (‘CMD’) at 2pm on 26 January 2023, by teleconference. The Applicant was represented on the call by Ms Gabriel of Clydebank Estate Agents. The Respondent was not on the call in person and was not represented. The commencement of the CMD was delayed by 10 minutes to allow for any technical difficulty she may have been experiencing, but there remained no contact from her.

Notice of the CMD was served on the Respondent by sheriff officers on 1 December 2022. The Tribunal was therefore satisfied that the Respondent was aware the CMD

but had chosen not to attend. On that basis it considered it fair to proceed in her absence.

- Findings in Fact

1. The Respondent let the Property from the Applicant in terms of a private residential tenancy agreement with a start date of 25 January 2021.
2. In terms of that agreement, rent of £475 was payable on 25 January 2021 and on the same day of each month thereafter.
3. As at 25 September 2022, the Respondent owed £1,700 in unpaid rent.

- Reasons for Decision

4. The original application in this case was for an order for payment of the sum of £1,700. Updated rent accounts had been submitted by the Applicant, but without any formal request to amend the sum sought in the application, in terms of the rules set out in the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017. The Applicant requested that the sum be amended at the CMD; but the Tribunal indicated that it was not willing to allow that without adjourning to allow intimation of such an application on the Respondent. The Applicant consequently withdrew the application to amend.
5. On the basis of the facts as uncontested the Tribunal therefore considered that an order for payment should be made.

- Decision

Order granted to the Applicant for payment by the Respondent of the sum of £1,700 (ONE THOUSAND, SEVEN HUNDRED POUNDS STERLING).

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/Chair

26 January 2023

Date