

**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 16 of the Housing (Scotland) Act 2014.**

**Chamber Ref: FTS/HPC/CV/18/2451**

**Re: Property at 12 Meikle Road, Glasgow, G53 5JG (“the Property”)**

**Parties:**

**Mrs Leigh Ronald, Gowanbrae, Doune Road, Dunblane, FK15 9HR (“the Applicant”)**

**Mr David Mahon, 12 Meikle Road, Glasgow, G53 5JG (“the Respondent”)**

**Tribunal Members:**

**Lesley Ward (Legal Member) and Elizabeth Dickson (Ordinary Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the applicant shall make payment to the respondent in the sum of one thousand one hundred and fifty pounds (£1150).**

This was a hearing in connection with an application in terms of rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, ‘the rules’ and 16 of the Housing (Scotland) Act 2014 to recover arrears of rent for the property at 12 Meikle Road Glasgow G53 5JG. A second application in terms of rule 66 was also before the tribunal today.

The tribunal had before it the following copy documents:

1. Application dated 21 September 2018 and received by the Tribunal on 25 September 2018.
2. Tenancy agreement.
3. Rent statement with arrears to July/ August 2018.
4. Email to the Tribunal from Mr Ronald dated 2 January 2019.
5. Execution of service of the CMD note and other papers on the respondent personally on 23 November 2018.

LESLEY WARD

A case management discussion 'CMD' was held on 21 November 2018. The applicant was represented by Clarity Simplicity solicitors at the CMD. Miss Oshodi solicitor sought an order for the full sum of rent arrears at that date. The tribunal was not minded to do so and instead fixed today's hearing so that the applicant could provide a written amendment to the tribunal which would seek to increase the sum sought to the arrears which would be due at today's hearing date.

### **Preliminary matter**

The applicant attended the hearing and was accompanied by her husband Mr Ronald as supporter. The respondent did not attend and was not represented. As per the email of 2 January 2019 the applicant is now dealing with this matter herself and is no longer instructing solicitors.

Mrs Ronald and Mr Ronald confirmed that they are the joint owners of the property and Mrs Ronald is the landlord. Mr Ronald confirmed that he is happy for his wife to pursue this matter in her sole name.

The tribunal noted that no up to date rent account or amendment of the sum sought has been lodged. Mrs Ronald understood that this was the case and invited the tribunal to grant an order for the sum contained in the application, namely £1150, to enable matters to be resolved to day.

### **Findings in fact**

1. The respondent entered into a tenancy agreement with the applicant in September 2011 to let the property.
2. Rent arrears have accrued. As at the 25 September 2018 there were rent arrears of £1150.
3. This sum remains outstanding.

### **Reasons**

The tribunal heard oral evidence from the applicant regarding the rent arrears which were owed by the respondent at the date of the application. The applicant made reference to the rent schedule lodged. The evidence of the applicant was that this sum remains outstanding and further sums have accrued. The respondent has received notice of today's hearing in terms of rule 24. The tribunal were entitled to proceed in his absence in terms of rule 29 and there was sufficient information before the tribunal to make a decision. The decision is unanimous.

**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.**

LESLEY WARD

**8 January 2019**

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**Lesley A Ward Legal Member**

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**Date**