



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 71 Private Housing
(Tenancies) (Scotland) Act 2016**

Chamber Ref: FTS/HPC/CV/23/0944

Property at 184 Menzies Road, Glasgow, G21 3ND (“the Property”)

Parties:

Mr Derek Magill, 48 Whiteford Road, Stepps, Glasgow, G33 6GB (“the Applicant”)

Elizabeth Riach, 184 Menzies Road, Glasgow, G21 3ND (“the Respondent”)

Tribunal Members:

Josephine Bonnar (Legal Member) and Sandra Brydon (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for payment of the sum of £24,200 should be granted against the Respondent in favour of the Applicant.

Background

- 1. The Applicant seeks an order for payment in relation to unpaid rent. A rent statement was lodged with the application.**
- 2. A copy of the application was served on the Respondent by Sheriff Officer. Both parties were advised that a case management discussion (“CMD”) would take place by telephone conference call on 21 August 2023 at 10am and that they were required to participate.**
- 3. The CMD took place on 21 August 2023. The Applicant was represented by Ms Young, solicitor. The Respondent did not participate and did not contact the**

Tribunal in advance of the CMD. A related application under reference EV/23/0942 was also discussed.

4. Ms Young told the Tribunal that, to the best of her knowledge, the Respondent is still residing at the property. However, she has not been in contact with the Applicant or her firm. She advised the Tribunal that the arrears of rent had increased to £23,100.
5. The Tribunal noted that the rent statement lodged with the application only covered the period to January 2023 and showed arrears of £19,500. Ms Young made a verbal request to amend the application to reflect this. The Tribunal noted that this request had not been made in advance of the CMD and that an updated rent statement had not been lodged. The Tribunal allowed the amendment but advised that the CMD would require to be continued so that the Respondent could be notified of the amendment. As the related case was also being continued, Ms Young requested a continuation of the CMD and confirmed that an updated rent statement would be provided prior to the new date.
6. The parties were notified that a further CMD would take place on 22 November 2023 at 10am by telephone conference call. Prior to the CMD the Applicant lodged written submissions in relation to the related case and an updated rent statement with a request to amend the application to the sum of £24,200.
7. The CMD took place on 22 November 2023 at 10am. The Applicant was represented by Ms Brown, solicitor. The Respondent did not participate and were not represented.

Case Management Discussion

8. Ms Brown told the Tribunal that the Respondent is still in occupation of the property. The Applicant has made efforts to contact her by phone and text, without success. There have also been visits to the property. Although the property is clearly occupied, the Respondent does not answer the door. Ms Brown confirmed that there have been no payments to the rent account and that the balance currently owed is £24,200.

Findings in Fact

9. The Applicant is the owner and landlord of the property.
10. The Respondent is the tenant of the property in terms of a private residential tenancy agreement.
11. The Respondent is due to pay rent at the rate of £550 per month.
12. The Respondent owes the sum of £24,200 in unpaid rent.

Reasons for Decision

13. From the documents submitted with the application, and the information provided at the CMDs, the Tribunal is satisfied that the Respondent owes the sum of £24, 200 in unpaid rent and that the Applicant is entitled to a payment order for this sum.

Decision

14. The Tribunal determines that an order for payment should be granted against the Respondent.

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.



Josephine Bonnar, Legal Member

22 November 2023