



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the Housing (Scotland) Act 1988 (Act)

Chamber Ref: FTS/HPC/CV/23/2167

Re: Property at Flat 1/2, 1020 Crow Road, Glasgow, G13 1JN (“the Property”)

Parties:

Mrs Catherine McGovern, 47 Roman Road, Bearsden, G61 2QP (“the Applicant”)

Miss Jill Bryceland, 18 Millhouse Crescent, Glasgow, G20 0UD (“the Respondent”)

Tribunal Members:

Alan Strain (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Respondent shall pay the Applicant the sum of £4,682 with interest at the rate of 4% pa above the Bank of Scotland Base Rate.

Background

This is an application under Rule 70 of *The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (Rules)* and section 16 of the Act for an order for repayment of alleged rent arrears.

The following documents were considered by the Tribunal:

1. Application received 30 June 2023;
2. Tenancy Agreement (**TA**) commencing 13 June 2016;
3. Rent Arrears at 12 June 2023;
4. Trace Report from Sheriff Officers;
5. Certificate of Service of CMD Notification on Respondent dated 3 November 2023.

Case Management Discussion (CMD)

The case called for a CMD by conference call on 14 December 2023. The Applicant did not participate but was represented by her husband. The Respondent did not participate and was not represented.

The Tribunal delayed the start of the CMD to see if the Respondent would participate. The Respondent did not.

The Tribunal were satisfied that the Respondent had received notification of the Case Management Discussion and that the Tribunal could determine the matter if it considered it had sufficient information to do so and the procedure was fair. The notification also advised the Respondent that she should attend and the Tribunal could determine the matter in absence if she did not.

The Tribunal then considered the documentary evidence it had received from the Applicant and in so far as material made the following findings in fact:

1. The Parties let the subjects under an TA commencing 13 June 2016;
2. Clause 3.1 of the TA provided for contractual interest at 4% pa above the Bank of Scotland Base Rate
3. Monthly rent was £580;
4. As at the date of the CMD there was £4,640 rent due;
5. The Applicant had incurred the cost of instructing a trace report on the Respondent in the sum of £42.

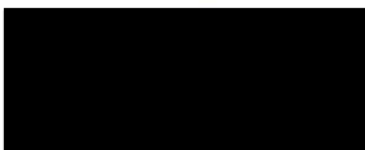
The Tribunal considered it had sufficient information to make a Decision at this stage and the procedure was fair. The Tribunal granted the order sought.

Outcome

- **Order for payment in the sum of £4,682 granted with interest at 4% pa above the Bank of Scotland Base Rate.**

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.



Alan Strain

Legal Member/Chair

14 December 2023

Date

