



**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/23/1514

**Re: Property at Flat 1/3, 181 Middleton Street, Glasgow, G83 0DH (“the
Property”)**

Parties:

**Mr James Goodwin, Mr Gregory McCann, 48 Inchconnachan Avenue, Balloch,
Alexandria, G83 8JN; Yaiza, Drymen Road, Balloch, Alexandria, G83 8HT (“the
Applicant”)**

**Ms Eilidh Kerr, Flat 1/3, 181 Middleton Street, Glasgow, G83 0DH (“the
Respondent”)**

Tribunal Members:

Alison Kelly (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 application should be dismissed.**

Background

1. The Applicant lodged an application on 11th April 2023 under Rule 70 of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”) seeking payment of a sum of rent arrears.
2. Lodged with the Application were:
 - i. Copy Private Residential Tenancy dated 2nd February 2017 and showing a rent of £465 per month
 - ii. Rent Statement
3. The Application was served on the Respondent by Sheriff Officer on 8th September 2023.

4. On 3rd October 2023 the Applicant's solicitor sent an email to the Tribunal with an up-to-date rent statement.

Case Management Discussion

5. The Case Management Discussion ("CMD") took place by teleconference. The Applicants were represented by Miss Ramzan of Clarity Simplicity Limited. There was no attendance by the Respondent, nor any representative on her behalf.
6. The Chairperson explained the purposes of a CMD in terms of Rule 17 of the Rules..
7. The case is linked to case FTS/HPC/EV/23/1509, and a CMD in that case was heard at the same time.
8. As there was some confusion regarding different rent statements which had been lodged the Tribunal decided to continue both cases to a Hearing to hear evidence on, in this case, the correct level of rent arrears.

Hearing

9. The Hearing took place by teleconference. The Applicants represented themselves. There was no attendance by the Respondent, nor any representative on her behalf.
10. Mr Goodwin spoke for the Applicants. He said that the Respondent had been given notice nearly two years ago, but she had not left. He said that the Applicants had lodged an action at Dumbarton Sheriff Court in December 2022 for payment of rent arrears. The court granted an order on 21st February 2023 for payment of £3664.20, plus expenses of £108 and interest at the rate of eighth per centum per annum. The Tribunal pointed out that the Sheriff Court did not have jurisdiction to deal with a rent arrears case. He said that the Applicants had received advice from a lawyer to raise the action, and the court had granted the order.
11. Mr Goodwin said that the Respondent had missed a few rental payments after that, but began paying again in March 2023, and she paid the sum of £500 per month until August 2023. She then began paying £550 per month, which she had paid from September 2023 until the current month. This meant that the arrears have decreased and are now at £2814.20 (being the sum of £3664.20 less the £850 towards arrears). The sum does not include the interest and expenses in terms of the court decree.

Reasons For Decision

12. The Applicants said that Dumbarton Sheriff Court granted an order for payment in the amount of £3664.20 plus interest and expense on 21st February 2023. Whether the Court had jurisdiction or not to grant it, the order has not been the subject of appeal to the best of anyone's knowledge and is therefor in existence and can be enforced. The arrears have decreased since that order was granted. There are no fresh arrears for the Tribunal to deal with.

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.



18th January 2024

Legal Member/Chair

Date