



**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/23/2840**

**Re: Property at Flat 1/4, 15 Tollcross Park View, Tollcross, Glasgow, G32 8UA (“the Property”)**

**Parties:**

**Mr Clifford Neil, Mrs Dorothy Neil, 13 Harling Drive, Troon, Ayrshire, KA10 6NF (“the Applicant”)**

**Mr James MacInnes, Mrs Jenna MacInnes, 10 Kipland Walk, Coatbridge, ML5 4HH (“the Respondent”)**

**Tribunal Members:**

**Lesley Ward (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Respondent shall make payment to the Applicant the sum of one thousand four hundred and ninety three pounds (£1493).**

2. This was a case management discussion (‘CMD’) in connection with an Application in terms of section 71 of the Housing (Scotland) Act 2016 (‘the Act’) and rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (‘the rules’) to recover rent arrears. The Applicant was represented by Ms Alison Spence, Director of McTurk and Muir Lettings Ltd. The Respondent did not attend and was not represented.

**Preliminary matters**

3. The Tribunal had sight of the execution of service of the application by Sheriff Officers of 23 November 2023 and was satisfied that the Respondent was aware of the CMD. The Tribunal also noted that Mr Neil had sent an email to the Tribunal on 13 December 2023 in which he stated that he had received the documentation and wanted to make an arrangement to pay the outstanding arrears. The Tribunal

proceeded with the CMD in the Respondents absence In terms of rule 29.

### **3. Discussion**

Ms Spence was seeking an order for the sum of £1493 in respect of rent arrears for the property. She explained that rent arrears began to accrue in January 2022. The initial rent was £595 and this increased to £625 in December 2020. The tenancy started in May 2019 and came to an end when the Respondent left the property on 16 October 2023. The arrears at that time were £2223.78. The Respondent agreed to pay off the arrears at £135.73 per month but only one payment was received on 1 December 2023 which left a balance of £2088.78. The deposit of £595 was deducted reducing the arrears to £1493. The outstanding balance is therefore £1493.

### **4. Findings in fact**

- The Applicant is the owner of the property.
- The parties entered into a private residential tenancy agreement for let of the property from May 2019.
- The agreed monthly rent was £595.
- The rent increased to £625 on 25 December 2020.
- Rent arrears began to accrue on 1 January 2022.
- The Respondents left the property on 16 October 2023.
- The accrued rent arrears on 16 October 2023 were £2088.
- The deposit of £595 was applied to the arrears in December 2023.
- The Respondents paid the sum of £135.73 on 1 December 2023.
- There are arrears of rent of £1493.

### **5. Reasons**

This was an undefended application to recover rent arrears for the property. The respondents are not challenging that the sum of £1493 is due by them. The Tribunal was satisfied that it had sufficient information before it to make a decision and that the procedure had been fair. The Tribunal accordingly granted an order for the sum of £1493.

### **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.**

**Lesley Anne Ward**

**18 January 2024**

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**Legal Member/Chair**

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**Date**