



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/22/1442

Re: Property at Flat 1/1, 118 Calder Street, Glasgow, G42 7RB (“the Property”)

Parties:

Daniel McCall T/A DB Properties, 146 Kingspark Road, Glasgow, G44 4SX (“the Applicant”)

Mr Gordon McDermit, Flat 1/1, 118 Calder Street, Glasgow, G42 7RB (“the Respondent”)

Tribunal Member:

Alan Strain (Legal Member) and Linda Reid (Ordinary Member)

Decision (in absence of the Parties)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Respondent shall pay the Applicant the sum of £32,285.

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 17 May 2022;
2. Assured Tenancy Agreement (**AT**) dated 1 May 2017;
3. Schedule of Rent Arrears at 12 September 2021;
4. Email of 19 October 2023 to the Respondent with CMD Notification; and
5. Updated Schedule of Rent Arrears as at 5 November 2023.

Case Management Discussion (CMD)

The case called for a CMD by conference call on 29 November 2023. The Applicant did not participate but was represented by his solicitor. The Respondent did not participate and was not represented.

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

The Tribunal were satisfied that the Parties 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 Tribunal had noted previously that there was no updated Schedule of Rent Arrears. The Tribunal had informed the Applicant's solicitor that it could not grant the order sought without that. The Applicant's solicitor undertook to forward this documentation to the Tribunal.

The Tribunal accordingly continued the case to a Hearing on a date to be fixed but informed the Applicant's solicitor if the updated rent arrears could be produced then the Tribunal may be in a position to grant the order sought on the papers.

By email of 6 December 2023 the Tribunal received an updated Schedule of rent arrears as at 5 November 2023 which showed that the amount of arrears had risen to £32,285.

Having received all outstanding documentation the Tribunal then reconvened to consider whether or not it had sufficient information upon which to make a Decision.

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 AT commencing 1 May 2017;
2. Monthly rent was £385;
3. As at the 5 November 2023 there was £32,285 rent due; and
4. Pre Action correspondence had been issued to the Respondent;

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 £32,285 granted.**

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.



Legal Member/Chair

20 December 2023

Date