



**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/23/1894**

**Property: 53 Stormyland Way, Barrhead G78 2RR (“Property”)**

**Parties:**

**Philip McCaig, 1 Carment Drive, Glasgow G41 3PP (“Applicant”)**

**Morton Fraser Lawyers, Quatermile Two, Lister Square, Edinburgh EH3 9GL (“Applicant’s Representative”)**

**Hazel Morgan and Kenneth Allan or Morgan 53 Stormyland Way, Barrhead G78 2RR (“Respondent”)**

**Tribunal Members:**

**Joan Devine (Legal Member) and Angus Lamont (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“Tribunal”) determined that an order for payment of £7350.**

**Background**

The Applicant sought an order for payment of £2825 in respect of arrears of rent. The Applicant had lodged Form F. The documents produced were: a Private Residential Tenancy Agreement dated 21 September 2019; schedule of rent arrears; bank statements from the Applicant; email to the Respondent dated 3 March 2023 attaching notice to leave; communications to the Respondent regarding arrears dated 13 and 28 January 2023 and 27 April 2023.

**Case Management Discussion (“CMD”)**

A CMD took place before the Tribunal on 25 October 2023 by teleconference. Reference is made to the Note of the CMD. A continued CMD was fixed for 23 January 2024. On 8 January 2024 the Applicant’s Representative lodged an updated statement of rent arrears showing the arrears as at 21 December 2023 as being £7350.

## **Continued CMD**

A continued CMD took place before the Tribunal on 23 January 2024 by teleconference. The Applicant was represented by Alastair Johnston of the Applicant's Representative. There was no appearance by the Respondent.

The Tribunal asked whether the Respondent had been in contact with the Applicant. Mr Johnston said that the Applicant had made a number of attempts to engage with the Respondent without success. He said the arrears were now £7350 and asked to amend the sum claimed in the Application. The Applicant told the Tribunal that there were no issues with the tenancy which would suggest a reason for non-payment of rent.

## **Findings in Fact**

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent had entered into a tenancy agreement dated 21 September 2021 ("Tenancy Agreement").
2. In terms of the tenancy agreement the rent was £675 per month.
3. The Respondent failed to pay the rent for the period 21 November 2022 to 21 December 2023. The unpaid amount was £7350.
4. The date of the continued CMD was notified to the Respondent on 29 November 2023.

## **Reasons for the Decision**

The Tribunal determined to allow the Application to be amended to seek payment of £7350. The Tribunal determined to make an Order for payment. In terms of the tenancy agreement rent was due at the rate of £675 per month. The Respondent had failed to pay the rent for the period 21 November 2022 to 21 December 2023. The unpaid amount was £7350.

## **Decision**

The Tribunal grants an order for payment of £7350.

## **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**

**Date: 23 January 2024**