

**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 70(1) of the Private Housing
Tenancies (Scotland) Act 2016**

Chamber Ref: FTS/HPC/CV/23/4110

Re: Property at Flat 6/4, 145 Albion Street, Glasgow, G1 1QT (“the Property”)

Parties:

Mr Kyle McVey, 9 Lynnhurst, Uddington, Glasgow, G71 6SA (“the Applicant”)

**Ms Beatrix Tam, Flat 6/4,, 145 Albion Street, Glasgow, G1 1QT (“the
Respondent”)**

Tribunal Members:

Ruth O'Hare (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to make an order for payment in the sum of Four thousand three hundred and five pounds (£4305) Sterling together with interest at the rate of four per cent per annum from the date of this decision until payment.

Background

- 1 By application to the Tribunal the Applicant sought an order for payment against the Respondent for unpaid rent arrears in the sum of £7390 together with interest and expenses if deemed appropriate.
- 2 By Notice of Acceptance of Application dated 8 December 2023 the Legal Member with delegated powers of the Chamber President intimated that there were no grounds on which to reject the application. A Case Management Discussion was therefore assigned and a copy of the application paperwork together with notification of the date and time of the Case Management Discussion and instructions on how to join the teleconference was intimated to the Respondent by Sheriff Officers.

- 3 On 6 February 2024 the Applicant's representative submitted an updated rent statement to the Tribunal.
- 4 On 7 March 2024 the Applicant's representative submitted a further updated rent statement to the Tribunal. The Applicant's representative confirmed that the Respondent had vacated the property and that the tenancy had ended on 29th February 2024.

Case Management Discussion

- 5 The Applicant was represented by Mr Kenneth Caldwell. He was accompanied by Mr Jack McVey, the Applicant's father. The Respondent was not in attendance. The Tribunal noted that she had been served with the application paperwork together with notification of the date and time of the Case Management Discussion and therefore determined to proceed in her absence.
- 6 Mr Caldwell advised that the tenancy had terminated on 29 February 2024. The arrears at the date of termination were £6105. However the Applicant held a deposit of £1800 which would be applied to the arrears. The Applicant therefore sought an order in the sum of £4305. Mr Caldwell explained that the Respondent had made offers of payment which had not materialised in full, albeit she had made some recent payments to the rent account. She was a Canadian national and was believed to be employed by a multi-national company. She earned a significant salary. Mr Caldwell confirmed that the Applicant sought interest at the rate of 4% per annum on the sum sought, but did not seek expenses on the basis that the Respondent had not behaved unreasonably in her conduct of the proceedings.

Findings in Fact and Law

- 7 The parties entered into a Private Residential Tenancy Agreement dated 14 and 16 February 2022 which commenced on 16 February 2022.
- 8 In terms of Clause 8 of the said Tenancy Agreement the Respondent undertook to make payment of rent at the rate of £1200 per calendar month.
- 9 A Rent Increase Notice was served upon the Respondent on 1 April 2023 which increased the rent payable under the terms of the tenancy agreement from £1200 per month to £1235 per month. The rent increase took effect from 1 July 2023.
- 10 The tenancy between the parties terminated on 29th February 2024.
- 11 As at the date of termination arrears in the sum of £6,105 were outstanding.
- 12 The Respondent paid a tenancy deposit of £1800 which will be applied to the outstanding arrears.

- 13 The Respondent is therefore due to pay the sum of £4305 to the Applicant under the terms of the said Tenancy Agreement between the parties.

Reasons for Decision

- 14 The Tribunal was satisfied that it had sufficient information upon which to make a decision at the Case Management Discussion, taking into account the application paperwork and the submissions from the parties at the Case Management Discussion, and that it would not be prejudicial to the interests of the parties to do so. The Respondent had been served with the application paperwork but had failed to make any written representations in response, and had failed to attend the Case Management Discussion. The Tribunal therefore considered it was able to proceed to determine the application in her absence.
- 15 The Tribunal accepted, based on its findings in fact, that the Respondent was due to pay the sum of £4305 to the Applicant under the terms of the tenancy agreement between the parties. The Tribunal therefore made an order in that sum together with interest at the rate of 4% per annum from the date of this decision until payment.

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.

Ruth O'Hare

8 March 2024

Legal Member/Chair

Date