



Decision 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/23/1399

Re: Property at 53 Morrison Street, 3/4, Glasgow, G5 8LB (“the Property”)

Parties:

Mrs Christina Livingston, Mr David Livingstone, Westwood, Newton Hall Lane, Mobberley, Cheshire, WA16 7LB (“the Applicants”)

Mr Daniel Collins, UNKNOWN, UNKNOWN (“the Respondent”)

Tribunal Members:

Nicola Irvine (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted an Order for Payment against the Respondent in favour of the Applicants in the sum of £2,667.57

Background

1. The Applicants submitted an application under Rule 111 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. The Applicants sought an order for payment in respect of rent arrears said to have been incurred by the Respondent.
2. A case management discussion (“CMD”) took place on 19 January 2024 and the Tribunal issued a note following that CMD.
3. The Tribunal fixed a new CMD for 11 April 2024 at 2pm. The Tribunal served notice on the Respondent by advertisement on the Housing and Property Chamber website on 6 March 2024.

The case management discussion

4. The CMD took place by conference call. The Applicant was represented by Mr Paul McCluskey. The Respondent did not join the conference call and the discussion proceeded in his absence. The Applicant's representative advised that the Respondent has not been in touch recently and has not resumed payment towards the arrears of rent. The Respondent moved out of the property in January 2021 and agreed a repayment plan. The last payment made by the Respondent was in March 2023. The outstanding rent arrears amount to £2,267.57 and the Applicant's representative moved for an order for payment to be made in that sum.

Findings in Fact

5. The parties entered into a private residential tenancy which commenced 20 December 2019.
6. The contractual rent due by the Respondent was £675 per month, payable in advance.
7. The Respondent owes the Applicants rent arrears of £2,267.57.

Reason for Decision

8. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the CMD. The Respondent did not participate in the CMD or lodge any written representations. The information before the Tribunal was that the Respondent has defaulted on the agreed payment arrangement and that seemed to be reflected in the rent statement. Accordingly, the Tribunal was satisfied that the sum of £2,667.57 is due by the Respondent.

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.

Since an appeal is only able to be made on a point of law, a party who intends to appeal the tribunal's decision may wish to request a Statement of Reasons for the decision to enable them to identify the point of law on which they wish to appeal. A party may make a request of the First-tier Tribunal for Scotland (Housing and Property Chamber) to provide written reasons for their decision within 14 days of the date of issue of this decision.

Where a Statement of Reasons is provided by the tribunal after such a request, the 30 day period for receipt of an application for permission to appeal begins on the date the Statement of Reasons is sent to them.



Legal Member/Chair

11 April 2024

Date