



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 (1) of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/24/0354

Re: Property at 22 Skerray Quadrant, Glasgow, G22 7PU (“the Property”)

Parties:

Ms Margaret Drummond, Unit 34, 68-74 Queen Elizabeth Avenue, Hillington, G52 4NQ (“the Applicant”)

Mr Peter Gillespie, Flat 3/1, 26 Cardow Road, Glasgow, G21 3BY (“the Respondent”)

Tribunal Members:

Yvonne McKenna (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an Order for Payment in the sum of £3050 be made in favour of the Applicant

Background

1. The Applicant sought an order for payment of £3050 in respect of rent arrears. The Applicant had lodged Form F. The documents produced were a Tenancy Agreement signed and dated 15 and 27 September 2020 and a rent statement showing arrears of £3050.
2. Sheriff Officers had effected service on the Respondent successfully on 19 April 2024 providing the Respondent with the case papers and notice of the Case Management Discussion.
3. The Respondent had been asked to lodge written representations with the Tribunal by 8 May 2024. No written representations were received.

Case Management Discussion (CMD) on 28 May 2024

4. A CMD took place before the Tribunal on 28 May 2024 by teleconference. Mr Alistair Buttery, solicitor and Representative for the Applicant was in attendance. There was no appearance by the Respondent.
5. A preliminary matter arose regarding the date the Respondent left the Property. This was detailed on the application as being September 2020. The correct date was September 2022. This did not affect the position that the arrears had accumulated over the period the tenancy ran.
6. Mr Buttery told the Tribunal that there has been no further communication from the Respondent since the application has been made to the Tribunal. No further rent payments have been made. Accordingly the sum of £3050 remains outstanding from September 2022 as rent due. The Respondent moved out of the Property in September 2022. At present, therefore the Respondent is due the Applicant by way of rent arrears £3050.

Findings in Fact

7. The parties entered into a Private Residential Tenancy with a commencement date of 1 October 2020.
8. The rent payments due under the lease were £550 per calendar month due in advance each month with the payments due on the first day of each month.
9. In terms of the lease the Respondent required to pay rent and all other sums due to the Applicant timeously.
10. The Respondent vacated the Property in September 2022.
11. The Respondent has persistently not made rent payments.
12. The amount outstanding as at the date the Property was vacated and as at today's date is £3050.
13. The Applicant seeks £3050 which is lawfully due to her in rent in terms of the lease.

Reasons for Decision

14. The Respondent has failed to make payment of the rent lawfully due in terms of the lease between the parties.

15. Having made the above findings the Tribunal determined to grant the Payment Order sought in favour of the Applicant.

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.



28 May 2024

Legal Member/Chair

Date