



**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/24/0127**

**Re: Property at Flat 3/2, 10 Castlebank Drive, Glasgow, G11 6AD (“the Property”)**

**Parties:**

**Mr John Mulcahy, FLAT 3/2, 5 QUEENSBOROUGH GARDENS, GLASGOW, G12 9PW (“the Applicant”)**

**Mr John Paul Gallacher, FLAT 3/2, 10 CASTLEBANK DRIVE, GLASGOW, G11 6AD (“the Respondent”)**

**Tribunal Members:**

**Andrew McLaughlin (Legal Member) and Ahsan Khan (Ordinary Member)**

**Decision (in absence of the Respondent)**

**[1] The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) made a Payment Order in favour of the Applicant against the Respondent in the sum of £10,400.00.**

**Background**

[2] The Applicant seeks a Payment Order in respect of rent arrears said to be lawfully due by the Respondent to the Applicant under a tenancy between the parties.

[3] The Application is accompanied by a copy of the tenancy agreement and rent statements. The Applicant had competently amended the sum claimed to £10,400.00 in advance of the Case Management Discussion.

**Case Management Discussion**

[4] The Application called for a Case Management Discussion (“CMD”) by conference call at 2pm on 16 May 2024. The Applicant was represented by Ms Gallagher, their Letting Agent. There was no appearance by or on behalf of the Respondent. Service of the Application had been competently effected on the Respondent by Sheriff Officers. The Tribunal therefore decided to proceed in the Respondent’s absence. Having heard from Ms Gallagher, the Tribunal made the following findings in fact.

### **Findings in fact**

- I. *The Parties entered into a tenancy agreement dated in terms of which the Applicant let the Property to the Respondent;*
- II. *The contractual monthly rent was £1,300.00;*
- III. *The sum of £10,400.00 is currently lawfully due as rent arrears by the Respondent to the Applicant.*

### **Decision**

[5] Having made the above findings in fact, the Tribunal granted the Application and made a Payment Order in favour of the Applicant against the Respondent in the sum of £10,400.00.

### **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.**

# A McLaughlin

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Legal Member/Chair

16 May 2024  
Date