



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/23/4625

Re: Property at 2/2 79 Cornalee Gardens, Pollok, Glasgow Lanarkshire, G53 7EW (“the Property”)

Parties:

Mr Saad Saeed, 1181 Howe Road, Kamloops British Columbia, Canada, V1S 1M4, Canada (“the Applicant”)

Ms Katie Cliff, 2/2 79 Cornalee Gardens, Pollok, Glasgow Lanarkshire, G53 7EW (“the Respondent”)

Ms H Forbes (Legal Member) and Mrs F Wood (Ordinary 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 should be granted in favour of the Applicant in the sum of £6500.

Background

1. This is a Rule 111 application received on 20th and 21st December 2023. The Applicant is seeking an order for payment in respect of unpaid rent. The Applicant lodged a copy of a private residential tenancy agreement between the parties in respect of the Property, which tenancy commenced on 29th November 2019 at a monthly rent of £480. The rent was increased to £515 in January 2022. The Applicant lodged a rent statement showing arrears in the sum of £3090.
2. Notification of a Case Management Discussion (“CMD”) was made upon the Applicant by emailed letter dated 11th June 2024.
3. Notification of the CMD was made upon the Respondent by Sheriff Officer on 12th June 2024.
4. By email dated 22nd June 2024, the Applicant lodged an updated rent statement showing arrears in the sum of £6185.66.

5. By email dated 27th June 2024, the Applicant lodged an application to amend the sum sought to £6500.
6. A CMD took place by telephone conference on 17th July 2024. Neither party was in attendance. Attempts by the Tribunal Clerk to call both parties were unsuccessful. The Tribunal was concerned that the Applicant's failure to attend may be due to the fact that he resides in Canada. The Tribunal decided to adjourn the CMD to further CMD to allow parties to participate. Thereafter, the Tribunal was informed that the Applicant had attempted to join the telephone conference unsuccessfully.
7. Notification of a further CMD was made upon the Respondent by Recorded Delivery letter, which was received and signed for on 3rd August 2024.

The Case Management Discussion

8. A CMD took place by telephone conference on 22nd August 2024. The Applicant was in attendance. The Respondent was not in attendance.
9. The Tribunal considered the terms of Rule 29. The Tribunal determined that the requirements of Rule 17(2) had been satisfied, and it was appropriate to proceed with the application in the absence of the Respondent.
10. The Applicant said the Respondent stopped paying rent in June 2023 and has paid no rent since that time. The sum outstanding is now £7015. The letting agent has attempted to contact the Respondent, but has not had a response for some months. The Applicant said the Respondent had previously informed the letting agent that she would not be paying any rent as she required the money for a downpayment on another property.

Findings in Fact and Law

11.
 - (i) Parties entered into a private residential tenancy agreement in respect of the Property which commenced on 29th November 2019 at a monthly rent of £480.
 - (ii) The rent was increased to £515 in January 2022.
 - (iii) Rent lawfully due has not been paid by the Respondent to the Applicant.
 - (iv) The Applicant is entitled to recover rent lawfully due.

Reasons for Decision

12. Rent lawfully due is outstanding. The Applicant is entitled to recover rent lawfully due. The Tribunal is satisfied that the application to amend the sum sought should be granted.

Decision

13. An order for payment is granted in favour of the Applicant in the sum of £6500.

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.

H. Forbes

Legal Member

22nd August 2024
Date